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# **BORDER REGULARS**

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## **AN ETHNOGRAPHIC ENQUIRY INTO THE BECOMINGS OF THE THAI-LAO BORDER FROM THE VANTAGE POINT OF SMALL-SCALE TRADE**

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**Thesis submitted for the degree of PhD**

**2016**

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## ABSTRACT

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This thesis is an ethnographic enquiry into how the nation-state border between Thailand and Laos comes into being. Southeast Asian borders, and no less the Thai-Lao border, are known to be porous and their porosity is often associated with ineffective government policies and poor border control management. This thesis looks beyond such state-centric perspectives by highlighting the interstices between the legal and illegal, the formal and informal, and the state and society in the context of small-scale cross-border trade. Drawing on ethnographic fieldwork in the Thai province of Loei, it unravels the Thai-Lao border as historically contingent, multi-layered, and as constantly in flux.

My findings reveal that the border is not only a prerogative of the state but that it is also produced through the practices of non-state actors as well as through the interactions of state and non-state actors. Female small-scale traders reproduce the border by engaging in diverse practices of arbitrage. They replicate the social hierarchy between Thailand and Laos through their terminology and bargaining practices. The border is also entrenched in the social memory and imaginaries of border residents including state actors. The social embeddedness of state actors in the local community and cross-border culture allows social relationships to form and convolute stringent categories of state and society.

Combined with a flexibility of legality and local conceptualisations of licitness, such relationships facilitate the movement of people and goods while at the same time they increase the state's control over the border. They also give rise to cooperative forms of regulation that involve the giving of goods and money. Instead of construing these as corrupt practices that destabilise the border, they can also be understood to strengthen the state's authority and to reinforce the border. The thesis concludes by arguing that non-state perspectives are a *sine qua non* in an attempt to comprehend the nature of a border throughout space and time.

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## NOTES ON LANGUAGE AND NAMES

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1. In this thesis, I follow the 1999 version of Royal Thai General System of Transcription (RTGS) except for proper names, e.g. *Or Sor* (Volunteer Defence Corps) and for figures copied from other sources, e.g. Figure 8. As a transcription (and not transliteration) method, the RTGS does not use diacritics nor does it differentiate between long and short vowels. It is the simplest and most straightforward Romanisation of the Thai language and useful for the purposes of illustration. Unlike earlier versions, the 1999 version of the RTGS makes a distinction between อ, ๑ (u) and อี, อื (ue). This is particularly important for the term *mueang* (town, city, nation, country), which I often refer to in this thesis and which other authors sometimes transcribe as *muang* or *meuang*.
2. I have made a minor adjustment to the RTGS regarding its merging of the Thai letters จ, ฅ, ฉ, ฌ into ch. In this thesis, I distinguish between จ (j) and ฅ, ฉ, ฌ (ch).
3. For the purposes of confidentiality, the names of all my interlocutors as well as the names of all research locations along the border (Ban Sing, Ban Plee, Ban Donmai, Ban Thong, Ban Sawan) have been anonymised through the use of pseudonyms. District names and provinces (Thali district, Ken Thao district, Loei province, Sayaboury province), larger towns outside my research area (Chiang Khan, Paklay) have not been anonymised.
4. Thai scholars are conventionally referred to by their first name instead of their surname. I have followed this convention by referencing Thai scholars by their first name throughout the thesis and in the bibliography, e.g. Thongchai (1994) for Thongchai Winichakul.

## INTRODUCTION

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We should not look for the boundaries of things, but for the things of boundaries.<sup>1</sup> (Abbott 2001: 261)

### A SCENE FROM THE BORDER

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It is a warm November morning in the small Thai border village of Ban Sing as I reach the checkpoint along the narrow Hueang River that marks the nation-state border between Thailand and Laos. I arrive just in time to meet the friendly lady from the Lao village across the river who regularly comes here to sell vegetables. Today, she has three baskets of vegetables with her and has already sold several greens to the labourers at the small river pier. She walks up to the Thai border guard's hut. The border guard inspects the contents of her baskets asking what she has on offer today and eventually allows her to pass through. I buy a pack of boiled peanuts from her for 5 baht (= GBP 0.10) before she heads off into the village to sell the remaining vegetables door-to-door. Afterwards, I sit down on a plastic chair next to the labourers' resting area that is situated in-between the border guards' hut and the river pier.

A man and a woman approach me from the top of the pier, both of whom speak very good English. They are curious about my presence here. They are cousins who have come to send presents to their relatives on the Lao side. They tell me they are Thai but their parents are Lao. The woman owns a factory in a larger town in Laos but lives in a Thai city several hours from here. Her husband is American and lives in the United States while she is seeking to expand her business in Laos. Her cousin has a hair salon in the neighbouring village of Ban Sing and she visits him often. While we speak, a pick-up truck arrives at the top of the pier. A young man gets out of the car holding a part of a car engine in his hands. He gives it to one of the boat drivers at the pier. I know the young man. He works for a car repair shop in the area, the owner of which has a long-standing relationship with several shop owners on the Lao side across the river. In

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<sup>1</sup> In this thesis, I use the term 'border' to denote the territorial margin of the nation-state and the term 'boundary' when referring to social groups and identities. In the quote, Abbott refers to boundaries between professions and temporalities but I suggest that the point he makes should be extended to nation-state borders as well.

return for the engine part, the young man receives 2,000 baht (= GBP 40) in cash from the boat driver who had been trusted with the money by the Lao shop owner earlier that day.

Later, I speak to one of the female labourers at the pier. Her name is Boon-Ma. She explains that the checkpoint in Ban Sing opens at 8am and closes at 4pm. These are also her working hours. However, people can also cross the river outside these hours by making an appointment directly with the boat drivers by phone. This morning, a villager from the Lao side had crossed the river at 5am in order to go to the hospital in a neighbouring Thai village. Generally, she says, border residents can cross the border without an ID card. They must only provide the Lao border guards with their name. The Thai border guards usually know most border residents after a few months of duty and do not need to check their identity. However, only residents from the two neighbouring border villages are allowed to use the border-crossing here. Everyone else must travel via the international immigration checkpoint at the Thai-Lao Friendship Bridge.

I also speak to the border guard who is on duty today. He is from a Thai border district about one hour away from Ban Sing. He speaks both Central Thai (*phasa thai klang*) as well as the local dialect of Loei province (*phasa loei*)<sup>2</sup>. He has been stationed here for over one year already and knows most of the people who cross the border on a regular basis. Having previously worked along other parts of the Thai-Lao border, the guard describes this area as rather quiet, apart for some instances of drug, motorbike and car smuggling. Today, it is his turn to carry out checks and examinations of the people who cross over the checkpoint while his colleagues are patrolling other areas along the river. While we are talking, a young woman from Ban Sing arrives at the border guards' hut with a plastic bag containing fresh meat. Without saying a word, she hangs the plastic bag on a nail on the inside of the guards' hut and leaves.

At 11am, a group of young children appear on the Lao side of the river. They start jumping and swimming in the water, racing each other to the pier on the Thai side. They stay there for a while, using the higher ground to make larger splashes when jumping into the river. Boon-Ma explains that these are Lao school children who often come here during their lunch break. I ask whether the school children from the Thai villages do the same. "No", she says, "they never swim in the river. Thai children don't like the

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<sup>2</sup>The dialect in my research area is more similar to the Lao dialect spoken in Luang Prabang than to Central Thai.

dirty water because it is full of rubbish and animal faeces. It's not healthy to swim [in the river] especially if you get water in your mouth.” Her male colleague notices our conversation and adds: “It is because Thai children cannot swim!”

## RESEARCH AIMS AND QUESTIONS

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The above scene from the border provides a glimpse into the highly mobile and diverse social practices that are conducted in the small part of the Thai-Lao borderland where my research was situated (Figure 1).



**Figure 1: Map of the Thai-Lao border; the black rectangle indicates my research area between Loui and Sayaboury province**

Shopkeepers, labourers, boat drivers, border guards, petty traders, school children and other residents from neighbouring border villages come together at the Hueang River in order to trade, catch fish, bathe, and visit their relatives. Many border residents are involved in cross-border trading activities, using them as a first or second source of income. Petty traders, shop owners, middlewomen, boat operators, labourers and border guards on both sides of the border form relationships with each other and work together in manifold ways, making the smooth running of daily trading activities possible. The

border seems porous here, with traders and other border villagers crossing it without documentation. Border guards seem to sit back and turn a blind eye to trading activities that circumvent customs duties.

In Southeast Asia porous borders are usually associated with poor border control management, lax immigration laws and law enforcement, resulting in a high level of illegal flows including undocumented migration, trafficking and smuggling (Tagliacozzo 2005; Smith 2005). This also includes the over 1,700km long Thai-Lao border that covers mountainous and sparsely inhabited terrain, parts of which have yet to be fully demarcated by the Thai and Lao governments<sup>3</sup>. Many other parts of the borderline are unpatrolled and unmonitored, providing attractive routes for contraband traders. In the late 1990s, one of the villages in my research area made headlines for its storing of cannabis, methamphetamine pills, and arms that had come from Laos. This caused violence among drug gangs but also by the Thai police whose suppression efforts had left 67 children orphaned by 2000 (Chouvy and Meisssonier 2004: 41). Upon the crackdown initiated by former Prime Minister Thaksin in 2003 several years later, thousands of pills were seized and further villagers killed along the border. Local villagers explained to me how this severely diminished the cross-border drug trade (although some still exists). This example seems to confirm the notion of the Thai-Lao border as porous and therefore as a generator of illegal and criminal activities that can only be diminished through government policies and their enforcement. But associating porous borders in Southeast Asia with ineffective government policies, poor border control management and illegal activities reflects a state-centric perspective. It assumes that state actors should visibly enforce borders in order to block and control cross-border flows.

This thesis starts with the opposite premise, namely that cross-border flows are part and parcel of the border and everyday life along it. Focussing particularly on the small-scale cross-border trade of daily necessities, my findings reveal that such flows are conducted openly and in a highly organised manner, and that they involve the negotiation, contestation and cooperation between state and non-state actors. In this respect, my thesis builds on Andrew Walker's study of the Thai-Lao border in which he argued that "what needs to be condemned as truly exceptional is the tendency of some states, and

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<sup>3</sup> To date (January 2015) only 90% of the Thai-Lao border has been fully demarcated. The Thai and Lao governments have agreed to finalise the border survey, the installation of land and river border posts by 2018 (Vientiane Times 2015).

some agencies or officials within states, to restrict the very normal exchanges and flows that occur at the boundaries of all social systems” (2009: 110). Rather than preconceiving the border as an “unruly” and “disorderly” space that is “porous” or “weak”, this thesis explores how the nation-state border is produced, reinforced, weakened and renegotiated through the activities of both state and non-state actors. In order to do so, it conceptualises the border as an ongoing process that is constantly in flux.

Over the last few decades, border scholars have shown that borders are complex systems where geopolitical and cultural factors intertwine and contest with each other. While nation-state borders are the prerogative of the state, it has been demonstrated that non-state actors may also be involved in their reproduction and dissolution (Horstmann and Wadley 2006; Flynn 2007; Green 2012). In other words, although border populations are vulnerable to the effects of the border, they also “adapt to the human and social necessities of living with the border as well as living despite the border” (Donnan and Wilson 2010: 11). For example, when traders take advantage of the border by selling goods to their colleagues on the other side or when increasing the price of the goods after taking them across the river, they reproduce the nation-state border and the economic asymmetry between Thailand and Laos that accompanies it (Chapter 4).

In this thesis I thus seek to show how the border is a social construction that is not only imposed or weakened through the practices of state actors but also by those of non-state actors as well as by the interactions between state and non-state actors, the lines between which can be very much blurred. It is often in this blurred realm between state and society that the border is negotiated, rearticulated, made, and unmade. If we come to understand the border as a process that *happens* in space and time by different kinds of actors, then we may come closer to unravelling the complex realities of its nature on the ground. Indeed, the border may not always become meaningful in the social practices of the local population. While representing the demarcation line where Thailand’s territorial sovereignty, law, society and culture ends and where that of Laos begins, the Hueang River is also part of the livelihoods of many people on the Thai and Lao side. It serves among many other things as a water resource for farmers, as a source of food for villagers, and as a site of play for children. The river also nearly dries out during the season between March and May, making it possible to walk across it by foot. While the river may be seen as a natural separation line, it also brings people together,



creating connections and relationships. In order to gain an understanding of the everyday realities along the Thai-Lao border, we must therefore not ask whether the border is adequately enforced but rather how it comes into being in the first place. How, when, where and by whom is it produced, negotiated and contested? In asking these questions in the context of small-scale cross-border trade between Thailand and Laos, my thesis contributes to an anthropology of borders in Southeast Asia.

## **SMALL-SCALE TRADE ACROSS NATION-STATE BORDERS**

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In its investigation into the processes through which the border is made and unmade by state and non-state actors, the thesis focuses on those actors who are involved in the small-scale cross-border trade of daily necessities. The vantage point of the small-scale cross-border trade of daily necessities bears significance for the production of the Thai-Lao border in several ways. Firstly, a focus on this kind of trade allows us to explore the research questions among a specific group of people who engage in cross-border activities as part of their everyday life. This is a very much ordinary undertaking. The vast literature on small-scale trade has shown that there is nothing exceptional about trading daily necessities across nation-state borders (Flynn 1997; Muzvidziwa 1998; Chalfin 2001; Nugent 2002; Schoenberger and Turner 2008; Titeca and Herdt 2010; Mutopo 2010; Wagner and Lukowski 2010; Turner 2010). In my research area, daily necessities flow from Thailand to Laos through the small-scale trading activities of female traders (Kudo 2002; Gomez et al. 2011). Goods are traded at border markets, at checkpoints along the river, at the Thai-Lao Friendship Bridge and (to a lesser extent) along other more remote and unmarked parts of the river. In contrast to the clandestine smuggling of drugs and motorbikes, most of this trade is conducted openly and visibly during broad daylight and under the gaze of state officials.

Secondly, a focus on daily necessities makes it possible to analyse how different types of flows influence the temporal production, enforcement and management of borders. Such flows include people as well as goods. The goods included in the small-scale trade of daily necessities are diverse, ranging from a can of ice coffee to several boatloads full of liquefied petroleum gas (LPG). Each of these commodities underlies different restrictions, tax levels and limits of toleration when traded across the nation-state border. In taking these differences into account, my thesis questions the usefulness of state-centric dichotomies such as those of legal-illegal and formal-informal in the

context of small-scale trade and the nation-state border more broadly, contributing to a more nuanced account of where, when and how borders appear and disappear. To avoid the use of such dichotomies, I use Bruns and Miggelbrink's (2012) broader definition of small-scale trade who define it as arbitrage: "the exploitation of differences in prices and exchange rates over time and space via circulation activities" (Williams and Balaz 2002: 323 as cited by Bruns and Miggelbrink 2012: 11). At the border between Loei and Sayaboury, the exploitation of differences is based on an economic asymmetry between Thailand and Laos. The scarcity of consumer products in Laos means that imported goods from Thailand can be sold at a higher price in Laos. At the small-scale, such arbitrage is conducted by individual female traders (rather than by companies) who operate with limited economic resources and who rely on local social networks to trade successfully (see also Phadungkiati and Connell 2014).

Exploring processes of border making from the vantage point of small-scale cross-border trade is particularly interesting in the context of changing border policies and economic cooperation efforts. Border policies along the Thai-Lao border have changed dramatically since the Lao People's Revolutionary Party (LPRP) came to power in Laos in 1975, after which the border area became militarised and the Thai government placed an economic embargo on Laos. Cross-border movements and trade in my research area continued during this time, albeit in a more restricted manner. When Thai-Lao relations improved from the late 1980s onward, border controls were relaxed and the opening of border-crossing sites initiated by local district offices (Chapter 2). In 1994, the first Thai-Lao Friendship Bridge opened, financed by the Australian government, connecting the Thai province of Nong Khai with the Lao province of Vientiane across the Mekong River.

Ten years later, the second Thai-Lao Friendship Bridge opened, connecting the Thai district of Thali with the Lao district of Ken Thao across the Hueang River, which is a tributary of the Mekong River. Financed by the Thai government as part of its 'Economic Cooperation Strategy' policy, the 110 metre-long Thai-Lao Friendship Bridge opened in 2004 with the aim to boost trade and tourism and to control drug smuggling and human trafficking along the Thai-Lao border (The Nation 2003; Thai Ministry of Foreign Affairs 2004). The Bridge entails immigration, customs and medical facilities that provide people and vehicles with legal documentation to cross the nation-state border via the Hueang River. Following the opening of the Bridge, many of

the checkpoints that existed in the neighbouring border villages were shut down and villagers and traders were redirected to the Bridge (Chapter 2).



**Image 1: Thai-Lao Friendship Bridge, view from Thali district, Loei province in Thailand (Source: Author)**



**Image 2: Thai-Lao Friendship Bridge, view from Bridge towards Ken Thao district, Sayaboury province in Laos (Source: Author)**

Despite the USD 1.2 million that the Thai government invested in the Bridge, it has not received as much attention by academics, the media, tourists and businessmen as the other Thai-Lao Friendship Bridges that cross over the Mekong River (meanwhile there are four). In fact, in many publications, the Bridge in Loei province is not even considered as one of the Thai-Lao Friendship Bridges as these are usually associated with the Mekong River. Tucked away between the mountains of Loei and Sayaboury, the roads that lead to the Bridge on the Thai and Lao sides are twisting, narrow and bumpy<sup>4</sup>. During the time of my research, the scale of trade and tourism was lower than at the other Thai-Lao Friendship Bridges and among international tourists, the word had not yet spread that entry into Laos was possible here. The seeming insignificance of this border area and the lack of interest by academia and the media is what made it so appealing to me. As an anthropologist who seeks to study the everyday life of the border, the low-key character of a border area that is neither subject to ongoing open conflict, nor to high volumes of trade and tourism, nor a recipient of NGO support makes it a compelling research site.

Apart from academia, the media, tourism, and business, the area has also been ignored by the Asian Development Bank (ADB) in its regional integration efforts within the Greater Mekong Subregion (GMS). The area is neither part of the older GMS Economic Corridors nor included in the newer GMS Transport and Trade Facilitation (GMS TTF) programme. Although Loei and Sayaboury have been considered as part of the Northeastern Corridor of the GMS TTF, which reaches from Bangkok via Luang Prabang to Than Hoa in Vietnam, it is made clear on the GMS' website that the Northeastern Corridor is neither a trade nor a transport corridor: "It is more of a theoretical road link between locations with low or negligible trade demand. To the transport and logistics community, it appears illogical, especially as there is a major gap between Luang Prabang and the junction with NR 1C near Meung Hiem, and between Loei in Thailand and the Lao PDR border" (GMS CBTA 2013)<sup>5</sup>.

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<sup>4</sup> On the Thai side, a highway leads from Mueang Loei (provincial capital) to the border district of Thali. On the Lao side, a highway leads from the Lao border town of Ban Sawan to Mueang Sayaboury (provincial capital). It has been financed by various supranational organisations such as the Asian Development Bank (ADB) and the United Nations Capital Development Fund (UNCDF) of the United Nations Development Program (UNDP) over several decades. During the time of my research, however, the 225km-long road was still unfinished.

<sup>5</sup> Since my field research, the Second Northern GMS Transport Network Improvement project (41444-013) has been initiated in the Northeastern Corridor to improve transportation and trade across the Lao-Vietnam border (ADB 2014).

Despite the claim that trade demand is negligible, I found that a considerable amount (if not the majority) of daily necessities in Sayaboury province consisted of Thai products that were traded via Loei province<sup>6</sup>. This is due, among other factors, to the economic asymmetry between Thailand and Laos, limited manufacturing opportunities in Laos but also to the sheer proximity of Sayaboury province to Loei when compared to other Thai border provinces. What underscores the claim of negligible trade amounts on the other hand, is that daily necessities are almost exclusively traded by individual small-scale traders of various kinds including market traders, shop owners, and middlewomen. This applies to short and long distance traders alike. Short distance trade is mainly conducted between shop owners in Thai border villages and their counterparts on the Lao side but also at Thai border markets where Lao villagers buy goods for personal consumption. Long distance trade has flourished since the opening of the Thai-Lao Friendship Bridge and involves middlewomen who supply shops and market traders further inside Sayaboury with products from wholesale shops in Mueang Loei.

Most small-scale traders in my research area were female. Shop owners and middlewomen often worked together with their husbands and children as part of a family business but women usually took on the customer-facing role, representing the business as a whole (Chapter 3). This is in line with the literature on small-scale trade in Southeast Asia, which has highlighted the prominent role of female traders in small-scale trade throughout history (Reid 1988: 164f; Kusakabe 2004; Derks 2008: 120). While men have long dominated long-distance trade, several studies have shown an increase in women who trade over long distances as well and who have been able to continue this kind of trade to survive in a politically volatile environment (Walker 1999; Busarin 2015). This thesis contributes to this literature as I demonstrate how the women in my research area have been able to withstand and adapt to changing border policies and to be active agents in the conduct and regulation of cross-border trade between Loei and Sayaboury province.

As border policies and infrastructures have changed, so have these traders' strategies, their ways of transport as well as their relationships with one another, with customers as well as with state officials. One part of this thesis highlights the effects of these

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<sup>6</sup> This claim is based on my observations and conversations with villagers, traders, and state officials throughout Sayaboury province. However, the share of daily necessities that came from Loei became smaller with further distance from Loei. In Sayaboury's provincial capital, daily necessities were imported from Thailand via Loei as well as via Nong Khai but also from China and Vietnam.

changing border policies more specifically. As I will show, the official closure of the Thai-Lao border in 1975 as well as the increased regulations, which have accompanied the opening of the Thai-Lao Friendship Bridge in 2004, have had negative impacts on cross-border traders, although in different ways for those on the Thai and Lao side (Chapter 2). Particularly with regard to the Thai-Lao Friendship Bridge, I argue that such efforts to boost trade not only facilitate but also restrict certain kinds of trade. While I argue that borders can be produced and weakened by both state and non-state actors, I do not deny the violent and devastating effects borders and their enforcement can have on local populations. But my main argument does not begin with the premise of a state-resistance paradigm, in which the state is assumed to be the perpetrator and the local population the victim. Instead, I call for a more nuanced perspective that explores power relations at the micro-level. Such a perspective reveals not only the explicit and implicit negotiations that take place between state and non-state actors but also gauges the frictions that exist in-between state actors themselves with regard to their attitudes and behaviours that inform how and when borders are produced.

In order to analyse the role of the state in micro-level processes of border making, I suggest looking more closely at the individual actors who make up the so-called “state” rather than taking the notion of the state for granted (Das and Poole 2004; Sharma and Gupta 2006). One of the key aspects of the thesis (particularly Chapters 4, 5, 6), in this respect, concerns the social embeddedness of state officials and how this influences the decisions they make with regard to the facilitation and restriction of cross-border flows. The social embeddedness of state officials in my research area was characterised by their local origin, their ability to speak the local dialect, and their relationships to local villagers including traders, labourers and boat operators along the border. Their actions and decisions were often influenced by their social embeddedness, which in turn had an effect on the making and unmaking of the border. I therefore draw on anthropological theories of the state that emphasise the actions of the individual state officials that represent it (e.g. Migdal and Schlichte 2005) rather than on more abstract notions often employed by political scientists.

An additional aspect that cuts across all of the themes in my research including that of the social embeddedness of state officials is gender. All of the state officials I encountered in my research area were male while most of the traders involved in the small-scale trade of daily necessities were female. This situation informed not only the

relationships between state officials and traders but also my positioning as a female researcher in the field, and consequently the data I obtained. Although I was able to interview and observe several border guards, my ethnography revolves mainly around the everyday lives of female small-scale cross-border traders and how they navigate landscapes of power when interacting with their customers, other traders, their kin, labourers, boat operators and state officials along as well as across the nation-state border.

## **RESEARCH AREA AND METHODOLOGY**

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This thesis is based on thirteen months of ethnographic research, which I conducted mainly in Loei province, Thailand, between August 2011 and August 2012. Having lived and travelled throughout Thailand in previous years, I set out to conduct research along the Thai-Lao border between the provinces of Loei and Sayaboury as the border here seemed underrepresented in scholarly works on Southeast Asia when compared to the parts that are marked by the vast Mekong River. My initial plan was to study negotiations specifically between state officials and cross-border vegetable traders between Loei and Sayaboury.

What initially triggered my curiosity about such negotiations was my research for my MA degree, which I conducted along the Thai-Burmese border in 2008. I studied the livelihoods of Burmese refugees who were living in villages on the Thai side of the border while maintaining their rice fields on the Burmese side during the day. Asking the local Thai border officials why they did not check the documents of these border crossers, one smiled and replied calmly: “We are all brothers and sisters, we are all kin!” When delving deeper into the topic, my Thai friends recounted captivating stories about negotiations with state officials along the Thai-Lao border as well, which ranged from being able to cross the border to Laos without documents in exchange for a bottle of whisky, to Lao migrants being forced to sing the Thai national anthem when entering Thailand. Walker’s (2006) depiction of a female Lao trader engaging in sexualised banter with state officials when transporting goods across the border further increased my interest in the topic area. When forming my research proposal for the doctoral thesis, I had hoped that a focus on vegetable traders would make it easier for me to examine such encounters with state officials by following individual traders throughout their everyday lives and during their acts of crossing the border. I sought to explore how

they negotiated with state officials and where else in daily life such negotiations took place.

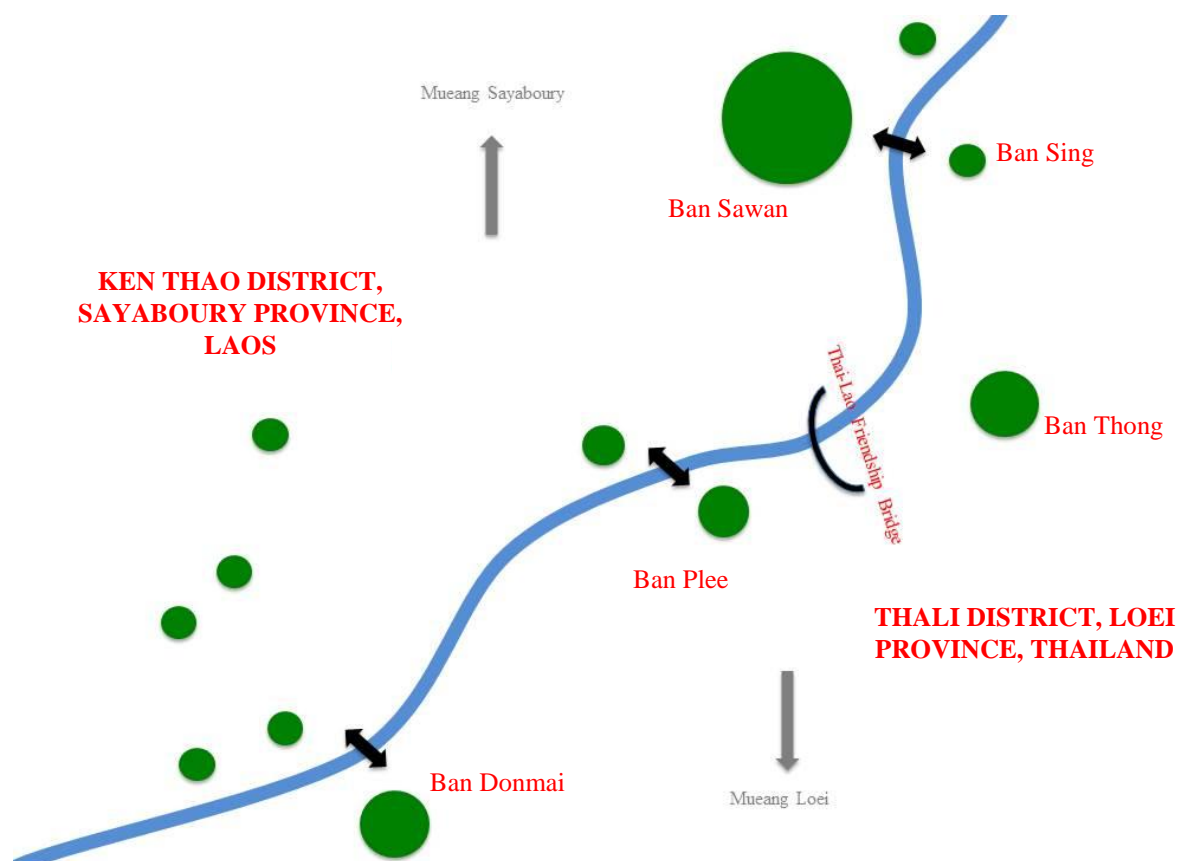
Upon my arrival in Loei, however, I quickly realised that there were different types of border-crossing sites that I needed to take into account, and that most of the commodities traded across these sites consisted of daily necessities. Despite the high amounts of goods traded and the highly institutionalised manner in which they were traded including specialised shophouses and labourers, the actors involved still described this trade as small-scale (*gankha lekkek*). Although the bulk of daily necessities were transported across the Thai-Lao Friendship Bridge, a significant part went across other border-crossing sites and was left unrecorded. I found this far more intriguing than the fresh vegetable trade, which involved much smaller quantities, irregular trading patterns, was season-dependent, and was carried out by petty traders from Laos who sought an additional source of income. Further to this, I was bound to the Thai side of the border for most of my research due to the restrictions of my research visa, which meant that I would have to focus on goods traded by actors on the Thai side. In fact, crossing the border to Laos turned out to be an expensive and tedious exercise for me as a white, foreign national. Not only did Lao border officials prohibit me from crossing over the local checkpoints together with my interlocutors (see further Chapter 5), I also had to pay USD 30 for a tourist visa at the Thai-Lao Friendship Bridge every time I entered Laos. As a result, I crossed the border less often than expected but spent more time on each visit to my interlocutors. This was somewhat conducive to my research as my interlocutors usually invited me to stay in their homes during these visits.

Through my research with the different actors involved in small-scale cross-border trade, my objective gradually shifted to the study of the production of borders. There were many different kinds of traders, several different kinds of state officials as well as other actors such as boat operators and labourers. In some parts of the river, the border was under strong surveillance while in others it seemed non-existent. Eventually I came to the conclusion that a focus on encounters between traders and state officials would be too narrow and would skew an account of the complex realities along the border. My ethnography therefore covers several kinds of state and non-state actors as well as an array of different border spaces and crossing points.



Through a fortunate assemblage of academic and personal social networks, my research base came to be located in the small Thai border village of Ban Thong, which was situated directly along the Hueang River (Figure 2). Most villagers there engaged in rice farming as a first or second source of income, and the area was covered in rice fields (both glutinous and non-glutinous), cassava fields, cornfields, banana and rubber plantations. I offered to volunteer at the local school in exchange for accommodation in one of the guest rooms, but a kind primary school teacher offered to accommodate me in her private home just across the marketplace instead. She also had a spare motorbike, which became my main vehicle of transportation throughout my research. Not only did this teacher become a good friend of mine, she and her father also provided me with a sense of security as they always knew my whereabouts and would be able to help in a case of emergency.

In an exploratory phase, several teachers from the local school took me to the border checkpoints that existed in the neighbouring villages, introduced me to some of the traders and border guards there, and accompanied me on my first journeys to the big weekend market at the Thai-Lao Friendship Bridge, which was visited by hundreds of Lao villagers from across the river every Saturday. My relationships with teachers continued to be valuable over the course of my research as they introduced me to important interlocutors. Eventually, I decided to focus on small-scale cross-border trading activities in three Thai border villages: Ban Sing, Ban Plee and Ban Donmai. These three Thai border villages were all situated along the Hueang River that marks the nation-state border. Ban Sing was situated across from the larger Lao border town of Ban Sawan. Ban Plee was situated next to the Thai-Lao Friendship Bridge and Ban Donmai was across from several smaller Lao border villages. Many of the inhabitants of the three Thai border villages maintained close social and trading relations with the adjacent Lao villages across the river. The spaces in and around the three border villages entailed both hypersurveilled parts of the border as well as unmarked and unpatrolled areas, all of which were characterised by diverse levels of cross-border flows of people and goods (Figure 2).



**Figure 2: Outline of research area with Thai-Lao Friendship Bridge, customary border checkpoints (black arrows) and most relevant villages (green circles)**

My research methods consisted mainly of participant observation, in-depth, semi-structured and unstructured interviews. I spent most of my days engaging in participant observation at border checkpoints as described in the beginning of this chapter, observing border-crossers, conducting interviews with local shophouse owners and their customers as well as with boat operators and labourers, and the Thai border guards who were on duty that day. I got to know my interlocutors' spouses and children and celebrated with them at village festivals on both the Thai and the Lao sides. Despite this, it was difficult to gain full insight into all of their trading activities, particularly when it came to what they themselves called 'smuggling' (*laklob*).

In one village, all shophouse owners avoided any interaction with me for months. I later learnt that they had thought I was a foreign spy. It was only with the help of a local friend who had relatives in this village that I was able to gain the shophouse owners' trust and conduct my first interviews. My friend was also valuable mediator in helping me strike the balance between questions that affirmed my interest in my interlocutors' everyday lives and those that made me seem intrusive or interrogative. My gendered

positioning as an unmarried female researcher was advantageous when interacting with female shophouse owners as it allowed me to sit alone with them inside their shops and build a closer relationship than with my male interlocutors. Only one of the shophouse owners I built rapport with was male and the local behavioural code of conduct meant that I could only speak to him outside his shop for everyone to see and listen to.

In fact, my gendered positioning affected more generally the types of interlocutors whose everyday lives I was able to gain further insight into. Most small-scale traders were female while most of the state actors were male. When a group of Thai border guards invited me to join them for a round of beers after their shift, I had to turn down the offer for the sake of my reputation in the village and the relationships I had already built. Despite this, I was able to interview the guards at the checkpoints where they were on duty and also encountered them at festivals and markets. Other state actors included village headmen and the Volunteer Border Militia (*Or Sor*) whom I was able to interview through the accompaniment of a male research assistant and the teachers at my school. Some of my female interlocutors were related to state officials and knew much about their activities and attitudes. A female labourer at one of the customary border checkpoints was related to the border guard across the border while two female traders on the Lao side were married to local Lao state officials. My identity and positioning as a foreign, female researcher thus had its advantages and disadvantages, which I tried to navigate but which also informs the nature of my research findings.

My main interlocutors consisted of female shophouse owners as well as female border market traders (Figure 3). I spent a lot of time at the local border markets, particularly at the big weekend market next to the Thai-Lao Friendship Bridge in Ban Plee, conducting interviews with traders and observing the interactions between them and their Lao customers. I conducted a small survey with the traders at Ban Sing border market, which provided a useful overview of these traders' backgrounds and trading strategies. But I really only gained insight into their everyday lives and their role in the process of border making when I became good friends with a female clothes trader from Ban Donmai, whose family I joined in travelling to border markets along the Hueang River for several days. By helping out in the stall, I was able to gain insight into the relationships between Thai vendors and Lao customers and observe Lao villagers as they were checked by border guards when crossing the border.

Shophouse owners at border checkpoints	Thailand
Border market traders	Thailand
Boat operators/labourers at border checkpoints	Thailand/Laos
Market stall owners at central market in Ban Sawan	Laos
Middlewomen from further inside Sayaboury province	Laos
Thai paramilitary border guards at border checkpoints	Thailand
Village headmen	Thailand
Shophouse owners in Lao border villages	Laos
Wholesalers in Mueang Loei	Thailand
Individual border traders	Thailand/Laos

**Figure 3: Main interlocutors in order of research depth**

By spending many hours at such nodes of trade and social interaction, I was able to build rapport with actors from both sides of the Hueang River who were involved in the same cross-border trading activities. This allowed me to pay several visits to my interlocutors on the Lao side and gain an insight into their everyday life, their perspectives on and role in the production of the border. This methodology can be described as a matched sample, “where the unit of analysis is constituted of networks of people who are connected across national boundaries” (Horst 2009: 124). In contrast to those transnational studies where informants across the border simply fall into comparable “categories of people” to those at the initial research site, matched samples have the advantage of being able to provide ever more precise information about the “inner workings of transnational flows” (Horst 2009: 124).

Over the course of my research, I paid several visits to the home of a boat operator on the Lao side. Although the local Lao state officials apparently discouraged her and her family to host a Western foreigner, she welcomed me into her home for several days at a time. By staying with her family, I learnt not only about the important role of boat operators and labourers and their mediating function between traders and state officials in the context of trade but also about the activities that were carried out outside the official checkpoint hours. I was also able to make use of other social and kinship networks that led me to Laos. My connections to shophouse owners on the Thai side made it easier for me to establish relations with traders on the Lao side who were the Thai traders’ customers. I became well acquainted with a family who owned a shop on the Lao side in Ban Sawan and was invited to their home, family celebrations and their rice plantations, thereby gaining insight into their everyday lives along the border.

Through the teachers in the Thai border village where I lived, I was also able to get in touch with a woman who had strong connections to Lao traders and state officials within Sayaboury province. By accompanying her on one of her travels to Mueang Sayaboury (the provincial capital), I got to know (among other interesting people) two middlewomen who supplied market traders inside Sayaboury province with goods from Loei province. I later met them again at the Thai-Lao Friendship Bridge where they shopped for goods. I then accompanied them across the border to their customers inside Sayaboury. My research shows that the importance of gaining access to social and kinship networks is vital when studying everyday cross-border flows across the border. In the next section, I will elaborate the theoretical underpinnings of my approach to studying the border and position my research within the existing relevant literature.

## **THE BORDER AS PROCESS**

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When asking the question of how the border comes into being, it is necessary to look at what is meant by ‘the border’. What do we mean when asking how ‘it’ comes into being? In other words, in order to identify when something comes into being, we must know what we are looking for in the first place. At the broadest level, borders are ways of classifying and categorising the world (Green 2012). Borders are ways of producing meaning through difference. An anthropology of borders focuses on the border between two nation-states. Theoretically, such borders are geographically demarcated lines that separate what belongs “inside” territorially, politically, symbolically, militarily, judicially, economically as well as culturally from what belongs “outside” (Zureik and Salter 2005). They are a crucial part of the nation-state, particularly since the Peace of Westphalia in 1648, which brought decades of war within Europe to an end by guaranteeing the mutual respect of the nation-state’s territory.

The nation-state as it developed in Europe during this time is usually described as an “isomorphism of people, territory, and legitimate sovereignty” (Appadurai 1996: 191) that was exported to other peoples across the world. Guichonnet and Raffestin (1974: 48-53, referenced by Leimgruber 2005: 240) established five functions of the nation-state border: a legal function as it delimits rules and regulations on a given state territory; a fiscal function as it enables the state to protect its economy against foreign competition, e.g. through customs duties, which are also an important source of income for the state; a control function as it administers the access of people, goods and

information to the state's territory; a military function in the case of national defence; and an ideological function based on nationalism and national identity, which is promoted in schools so that children who are citizens of one nation-state are not usually allowed to go to school in another nation-state even if it was geographically closer. In this thesis, I refer to a border logic that is territory-focused and that seeks to fulfil the legal, fiscal, administrative, military, and ideological separation between nation-states as the Westphalian logic of the border.

The demarcation of a geographical borderline is a central manifestation of the Westphalian logic of the border. The borderline between Thailand and Laos in my research area stretches along the Hueang River. However, the line is not situated in the middle of the river but was drawn three elbow-lengths (*wa*) away from the Thai riverbank in an agreement between Siam (later to be named Thailand) and France (during its colonisation of Laos) in 1923 (Surin 2009). All of the small islets in the Hueang River therefore belong to Lao territory. Although this border demarcation was a well-known fact among the boat operators who worked at the border checkpoints in my research area, it made little difference to their everyday practices. The boat operators described it more as a historical fact rather than a political reality. As described above, boat operators and local residents from both sides used the river for transporting people and goods, for fishing, bathing, playing, and as a water resource for irrigation.

With these activities in mind, the border as a geographically demarcated line and the Westphalian logic of the border more generally must be seen as a social construct – as an idea that classifies and distinguishes people and things while its reality on the ground depends on and varies according to the practices of those who enforce and engage with it on a daily basis (Donnan and Wilson 1998, 1999, 2012). Since the 1980s, border studies scholars have questioned the view of borders as self-evident lines of separation and as static and fixed lines on maps. They have called instead for an approach to borders as sites of connection, contestation and negotiation between actors at different levels, from the individual to supranational organisations such as the EU and ASEAN (Kopytoff 1987; Martinez 1994; Kearney 1995; Alvarez 1995; Donnan and Wilson 1999; Horstmann 2002).

Based on the approach that borders are a social construct, Pelkmans suggests studying the border in the following way: “It makes sense to start with actual lines and

boundaries drawn by distant policymakers, in order to see how they have been endowed with meaning and how they have been contested, as well as defended, by different actors in border region” (2006: 14). The way borders are endowed with meaning can vary throughout time and according to different people. Their ontological reality is historically contingent (Newman and Paasi 1998: 201) and this contingency is informed by different border epistemologies, of which the Westphalian logic of the border is but one. In this thesis I will draw on two further logics of the border – the centre-periphery logic and the post-Westphalian logic, which have influenced the becoming of the border throughout space and time.

The centre-periphery logic was the basis for Southeast Asian state formations during much of the 9<sup>th</sup> to 19<sup>th</sup> centuries. Borders between central powers were fluid and the spheres of influence of such powers could overlap. At the local level, territorial markers were drawn in order to demarcate control over cities and villages, agricultural land, and passageways but not to demarcate the definitive reach of central power. As I discuss in Chapter 2, the centre-periphery logic in Thailand and Laos was gradually overruled by the Westphalian logic of the border with the formation of nation-states throughout the late 19<sup>th</sup> century. In my research area, the Westphalian logic became most pronounced after 1975 when the communist regime in Laos came to power and the Thai-Lao border was militarised and cross-border trade severely restricted.

This changed in the late 1980s with the rapprochement of the Thai and Lao governments. As bilateral cooperations and international institutions such as the Association for Southeast Asian Nations (ASEAN) became more prominent, so did the post-Westphalian logic of the border, which places more importance on transnational structures than on the nation-state. According to the post-Westphalian logic, the five functions of the nation-state border are broken down and disaggregated. Drawing on Del Sarto’s work (2010), Green describes the European Union’s outer peripheries as a “smorgasbord of ‘borderness’” (2012: 583) that is based on multiple and complex arrangements, which make it difficult to differentiate between what is “inside” and “outside”. In Southeast Asia, this may seem like a move back to the centre-periphery logic as borders seem to become less meaningful. With Walker (1999) I argue that such an assumption is too simplified and that the current trend towards the post-Westphalian logic is very much interconnected with ongoing and fortified manifestations of the

Westphalian logic. Aspects of the premodern centre-periphery logic also continue to exist.

In this thesis, I will explore the manner in which the nation-state border is endowed with meaning (and meaninglessness) by looking at the social practices of state and non-state actors, as well as the border's various manifestations and functions at different times and at different scales. Assuming that the ontological reality of the border is variegated, multilayered, and historically contingent, I use a processual approach to studying the border that emphasises the changing meanings, manifestations, and functions it incorporates in space and time.

While my approach to borders emphasises that the border is constantly in flux because it is based on social processes throughout space and time, the border was not always perceived to be in flux by those engaged in its production. Raising a similar point with regard to her research on the Greek-Albanian border, Sarah Green argues against the notion that borders are constantly subject to change. During the Cold War period, she argues, the Greek-Albanian border was policed in a regular and predictable way so that nothing seemed to change much at all (2012: 575f). The opening of the border was therefore "like an earthquake had happened that had rearranged the landscape" (2012: 576). While she does concede that borders are the outcome of ongoing activity and processes of bordering, she argues that the long-term maintenance of certain border configurations is common.

Girtler's (2006) typology of borders underlines the notion of long-term border configurations while at the same time acknowledging that changes can happen quickly and with great effect. Girtler distinguishes between three types of borders based on their degree of permeability. First-degree borders are impermeable and based on fear and control. Second-degree borders are more permeable but still visible while third-degree borders are often imperceptible. In reality, borders can shift from one type of border to another within moments. In Germany, the border between East and West was nearly impermeable due to the Berlin Wall. Due to the action of one border official, however, the Wall broke down and made the border permeable overnight. In my research area, the regime change in Laos in 1975 turned parts of the Thai-Lao border from a third- to a first-degree border. During the time of my research in 2011 and 2012, there were hypersurveilled parts of the border that fit into the first-degree category while most parts



of the Hueang River were either regularly controlled or completely unmonitored, representing a second- and third-degree border permeability.

Considering the multifaceted permeability of the border, the various meanings it can take on, the way it is enacted and negotiated by state and non-state actors and the way it changes throughout space and time, I suggest approaching the border as a process, as in a constant state of becoming. In this respect, my thesis is in line with a range of border studies that approach the border as an open-ended, ongoing, and incomplete process. By looking at the border as a process, we can see who is involved in its production and how exactly it manifests in different moments and places. In her recent publication on the Ferghana Valley of Kyrgyzstan and Tajikistan, for example, Madeleine Reeves examines the moments “when new borders become socially salient” (2014: 7). She argues for an increased focus on the temporality of borders, on their ability to appear and disappear for certain groups at certain times. In a similar vein, van Houtum and van Naerssen (2002) critique that the term ‘border’ implies a fixed place in space and time. They argue that the processes inherent in borders would better understood through ‘bordering’, which they define as “an ongoing strategic effort to make a difference in space among the movements of people, money or products” (2002: 126). By regulating mobility, they conclude, borders produce and reproduce places in space and time.

Van Houtum and van Naerssen’s understanding of borders as creating and reproducing places fits in well with Edward Casey’s notion of place. In his philosophical elaboration of the notion of place, Casey considers embodied experience and movement. Our bodies are constantly on the move, he argues, be it between places or within places. Even when we stay in only one place there is motion as our bodies twitch and turn (Casey 1996: 23). From this proposition, Casey comes to a conceptualisation of place as event: “Rather than being one definite sort of thing, [...] a given place takes on the qualities of its occupants, reflecting these qualities in its own constitution and description and expressing them in its occurrence as an event: places not only *are*, they *happen*” (Casey 1996: 27, emphasis in original). Casey’s description of places as “eventmental” (1996: 38) and as a form of gathering leads me to an exploration of the constant negotiations and re-negotiations, codings and re-codings of the border through social practices.

An emphasis on processes of bordering through social practices allows me to explore both the vulnerability and the agency of border communities in the production and

transformation of the border. This is important because the border is often seen as an external force that is violently impressed upon a passive and victimised border population (see Scott 2009). Investigating both the effects of the border on the local population and the agency of this border population in generating and rearticulating the border builds on the work of recent scholars who have started examining how non-state actors are involved in ‘border work’ (Salter 2011; Horstmann and Wadley 2006; Wonders 2006; Rumford 2013; Reeves 2014). Such an approach allows us to recognise the involvement of non-state actors in social and cultural change more generally.

When exploring these social practices in the context of borders at a practical level, it may be useful to understand them as performances. In his autoethnography, Khosravi highlights such “border performances” (Khosravi 2010) as an integral part of processes of bordering. This is particularly useful when analysing social interactions between different actors at border-crossing sites, at border markets, as well as at village festivals. When crossing the border and encountering a border official, for example, a border-crosser may perform in a certain way that will facilitate their cross-border passage while the border official performs in a way that represents state sovereignty. The use of language and clothing are an integral part of such performances, e.g. as border guards wear specific uniforms and carry M-16 rifles while at the same time speaking with local villagers and border-crossers in the local dialect (Chapter 4). Drawing on Goffman’s (1973) dramaturgical analysis of social situations and Butler’s (1988) concept of gender performativity, Salter (2011) argues that the border must be performed in order to attain meaning at all. He places particular emphasis on the performance of identity in acts of crossing the border, highlighting that a border-crosser only ever performs that part of their identity, which they expect the border official to be expecting.

Based on my findings I would argue, however, that the border can also attain meaning outside of interactions between state and non-state actors or acts of crossing the border. The decision not to cross the border, for example, is a meaningful act in itself. Among my interlocutors on the Thai side, this decision was often based on experiences with or perceptions of the Lao state (Chapter 3). During my visits to one of the small Lao villages across the Hueang River, furthermore, the local villagers often wanted to know whether I had traversed the border via the “small” or the “big” checkpoint, i.e. the local border checkpoint or the Thai-Lao Friendship Bridge. My answer implied my legal status and right to stay and travel to other villages. This demonstrates how

prominent the border was in the everyday life of the villagers there. Van Houtum's research on the Dutch-German border demonstrates similar findings. Despite the permeability of the border, he finds that the border is "still filled with meaning, and internalized in everyday practices, institutions, conventions, acts and mentalities" (2011: 49). He therefore argues that the power of the border lies in the belief that it represents a spatial separation. Whether this belief is pertinent or not is demonstrated by people's everyday social practices.

An important aspect of processes of bordering is that the border can also appear in places away from the demarcated borderline (see also Mountz 2011). In my research area, for example, the Thai paramilitary was not only situated at checkpoints along the river but also carried out regular ID checks along the road that leads to Mueang Loei. In this thesis, however, I am primarily interested in the changing, contested, negotiated, multilayered, historically contingent meaning of the space around the borderline, which in my research area coincides with the Hueang River. Taking into account other locations of the border would have exceeded the scope of the research. Along the borderline, I am interested in the manifestation of the border in the form of state symbols and signs but also in the social practices of state and non-state actors and their interactions. While border guards such as the Thai paramilitary and Volunteer Border Militia, Lao border officials, as well as immigration and customs officials represent the state as part of their profession, it seems important to elaborate my conceptualisation of the state and state actors when studying their role in processes of bordering.

## **THE ROLE OF STATE ACTORS**

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An exploration of how borders come into being necessarily involves state actors as it is they who are in charge of implementing border policies and maintaining the sovereignty of the state at its territorial edge. In fact, in their introduction to *Border Identities*, Donnan and Wilson suggest that: "the anthropological study of the everyday lives of the border communities is simultaneously the study of the daily life of the state" (1998: 4). In this section, I discuss my approach to studying the role of state actors in the production of borders through their involvement in small-scale cross-border trade. My emphasis lies on the study of individual state actors themselves rather than on a concept of the state as a unitary entity. This allows us to understand the (often differing) actions

and decisions of individual state actors in the way they regulate the cross-border movement of people and goods.

As I demonstrate over the course of this thesis, the state actors in my research area not only represent the state and its sovereign authority but are also embedded in the local culture of the border area. Most of them come from Loei or one of the adjacent border provinces, speak the local Lao dialect, and maintain social relationships with non-state actors at their duty station. To be embedded in the local culture of one's workplace is not something exceptional though. What bears significance in my research area is that the state officials there serve to uphold territorial control over the border while at the same time they are themselves part of the local cross-border culture. In my thesis, I will explore how this local social embeddedness affects their decisions and practices when regulating the movement of people and goods.

My approach to the state is similar to Hefner's (1998) approach to markets and modern capitalism in his book on *Market Cultures*. I will briefly elaborate this here as it is also useful in the context of small-scale cross-border trade. Hefner argues that capitalism is always embedded in culture and social relations, which is why "when examined by way of its organizations and meanings, capitalism proves to be a more diverse beast than was once thought" (Hefner 1998: 29). Hefner draws on Granovetter's (1985) notion of "embeddedness" to demonstrate how East and Southeast Asian societies have incorporated modern capitalism in ways that are different yet still comparable to the Western world. Hefner further highlights the many examples outside the Western world that prove that modern capitalism does not require a "well-mannered legal system and impersonal bureaucracy" (Hefner 1998: 29) to function as Max Weber once implied. Instead, capitalism should be studied in its variations in different societies, for example, how business relations are intertwined with social relations to varying degrees.

In arguing for the embeddedness of the market, however, Hefner is very careful not to fall into the deterministic trap of attributing the specificity of a market solely to a reified culture. He defines cultures as a "meaning-making medium that interacts with other forces to influence all social spheres, including politics and economics" (1998: 5) rather than as a fixed entity, explicitly rejecting "culturalist" explanations of the economy. A notion of culture as a constantly changing and socially constructed dynamic of shared beliefs and ideas, values and concepts will also be adopted here. In fact, exploring the

different meanings and performances of the nation-state border is deeply intertwined with and even dependent on a dynamic concept of culture as the border becomes an integral aspect of the local culture at certain times and in certain situations.

In the context of my research, the concept of embeddedness proves itself useful for studying the state at the micro-level and in its everyday social practices. Rather than taking the state for granted as a homogenous, monolithic institution that stands independently from all other parts of society, a look at the micro-level of the state allows us to consider differences between individual state actors and makes us think about how and why different state representatives act or perform in different ways. Over the course of my research, I came to understand the importance of differentiating not only between Thai and Lao state actors and their perception of each other but also in-between Thai and Lao state actors themselves. Power plays between lower and higher ranking officers and between different departments, particularly within the Lao state, are an important aspect in the regulation of cross-border trade (Chapter 6).

Attending to the everyday social practices of the state also highlights the ways in which the state competes with other actors in the making and unmaking of the border. By focussing on the mundane situations of everyday life, my research accounts for the social relationships and interactions that are often built and maintained between state and non-state actors throughout their daily routines. In unplanned as well as planned encounters at the local market, village festivals, and by engaging in gift-giving practices with each other, state and non-state actors engage with each other in ways that call a rigid state-society dichotomy into question. What further blurs the line between the state and society is the overlap of the domestic and work spaces of state and non-state actors. Shophouse owners at the checkpoints, for example, lived in the back area or on the top floor of their shops so that a visit to their shop simultaneously meant visiting their home. Border guards lived in houses adjacent to the checkpoint, neighbouring the shophouses, and could frequently be seen in the villages wearing their civilian clothes on their days off. As my thesis will show, it is often in the blurry interface between the state and society where the border is negotiated, produced and weakened, sometimes all at once.

As many scholars have started considering the state in its embeddedness and even conceptualising it as a social relation (Migdal and Schlichte 2001; Singh 2012; Jessop

2013; High and Petit 2013), some have highlighted the abuse of power by individual state actors as they exploit their position in order to seek individual gain (see High and Petit 2013 for the case of Laos). As is well known, state actors do not always act according to the law. Talal Asad (2004) argues that the margins of a state are often characterised by arbitrariness and uncertainty, as state actors have the power to force their will upon non-state actors through violence. Asad draws on Agamben's work on the state of exception (1998) in this respect. Agamben's work is also used by Endres (2014) to demonstrate how traders at the Vietnam-China border are entirely exposed to the will of border guards as their trading practices are considered illegal.

While I agree that violence and uncertainty can be a crucial part of crossing the border (Chapter 5), my thesis also demonstrates opportunities of collaboration *with* the state that instil a sense of regularity and reliability among traders and border-crossers. This collaboration is highly individualised and depends on the character and attitude of each of the state actors themselves. It also depends on the social embeddedness of state actors and the way they interact with non-state actors in everyday life based on a shared culture, language, and history (Chapter 4). Quite a few studies, which touch upon different kinds of interaction between state and non-state actors in the context of small-scale cross-border trade, have been conducted in Africa, South Asia but also Southeast Asia (Little 2005; Titeca and Herdt 2010; Schoenberger and Turner 2008; Muzvidziwa 1998; Mutopo 2010; Wagner and Lukowski 2010; Fadahunsi and Rosa 2002). Some of these confirm state practice as arbitrary and predatory while others emphasise the collaborative aspects of such interactions.

In the case of cross-border economies in Southeast Asia, the Development Analysis Network (DAN) estimates that informal flows of trade may account for 20-30% of overall trade along the Thai-Lao border (DAN 2005: 11) while at the same time acknowledging the fuzzy intersection between formal and informal processes. They also point to a frequent arbitrary exercise of power by local authorities in Thailand, which often made it difficult for cross-border traders to predict tax costs and duties (2005: 8). Several other authors working on Southeast Asia have highlighted the necessity of bargaining between traders and state authorities for trading successes across the Mekong River. While Kusakabe (2009) illustrates the encroachment of the state on small-scale trade and finds that state authorities erode profit margins, other studies have found that such negotiations usually maximise the benefit of both the trader and the

state official (Walker 1999; Jakkrit 2006; Phadungkiati and Connell 2014). Based on his research in the Thai-Lao borderland, Walker finds that Thai officials and state agencies are deeply “embedded in the social and economic networks of the frontier” (Walker 2009: 105). In one example, he reports how a female Lao trader used sexualised banter in her negotiations with state officials (Walker 2006) while in another he describes the subtle process of cultivating such an alliance by way of socialising with each other in informal settings (Walker 1999).

Negotiations and relations between state and non-state actors often involve gifts and money. While they are labelled as bribery and corruption by some (Endres 2014), I suggest interpreting them in a broader social and historical context, focusing on their role in the making and unmaking of the border. In my research location, the Thai state employed a legal flexibility with regard to small-scale cross-border trade and decisions around its regulation were largely left to the discretion of the local border guards. Social relationships, gifts, as well as money influenced their decisions and therefore the production and weakening of the border (Chapter 6).

## **OVERVIEW OF THESIS CHAPTERS**

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The ethnography that follows (Chapters 1-6) consists of three parts. Chapters 1 and 2 cover the historical, political, and regional context that informs the border and its becomings in my research area<sup>7</sup>. The chapters are based on written historical records as well as on the memories and narratives of my interlocutors. Chapters 3 and 4 focus on the situation and lives of my main interlocutors, female traders and state actors, demonstrating how these contribute to the becomings of the border through their everyday practices. Chapters 5 and 6 bring these actors together by highlighting their interactions in the act of crossing the border and trading goods. I will now provide an overview of each individual chapter.

Chapter 1 deals with the historical becomings of the border from the 18<sup>th</sup> century to 1975. This seems like a long time period to cover but I argue that it is necessary in order to demonstrate how so-called breaks in history such as the first demarcation of the Thai-Lao border in 1893 did not cause as much disruption as the term “break” implies. Instead, I emphasise the gradual process of the becoming of the border and the

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<sup>7</sup> There have been further developments since the end of my research in 2012, which I will not cover in this thesis.

transition from the premodern polities of the *mueang* to the Westphalian model of the nation-state. I argue that my research area has historically been situated on the peripheries of larger centres of power and continued to do so until 1975. Despite the contestations around the demarcation of the Thai-Lao borderline and the various actors engaged in the border area throughout the civil war in Laos, my research area did not experience any major effects of the nation-state border until the communist takeover in Laos. This is confirmed by my interlocutors' nostalgic memories of the time before 1975.

Chapter 2 focuses on the effects of the changing border regulations since 1975 and how small-scale traders have adapted to these. I argue that the cross-border trade in daily necessities has continued throughout these changing regulations *despite* their restrictions on cross-border flows and *because* of the opportunities these created. The chapter takes into account how the Thai and Lao side of the border were affected differently by the regulations following three events in particular: the economic embargo placed on Laos by Thailand in 1975, the opening of ports of toleration for villagers along the Hueang River from the 1980s, and the opening of the Thai-Lao Friendship Bridge in 2004. Particularly since the Thai-Lao Friendship Bridge, I argue, small-scale trading practices have become more competitive and diverse and the distribution of daily necessities more diffuse with new kinds of actors emerging as a result.

Chapter 3 focuses on the female traders that engage in small-scale trade and the ways in which they contribute to the making and unmaking of the border in my research area. The chapter focuses on three aspects in particular: the ways in which female traders integrate their trading practices with family life, their social networks, and their cross-border mobility. Acknowledging the many kinds of female traders involved in the cross-border trade of daily necessities, each aspect highlights the situation of those female traders to whom it is most significant and relevant with regard to the border. The section on social networks, for example, demonstrates how shophouse owners at customary border checkpoints simultaneously transgress and reinforce the border by referring to their trading partners in Laos as siblings (*phinong*).

Chapter 4 examines the situation and lives of the most relevant state actors in my research area and their social and cultural embeddedness. By revealing their practices and attitudes as well as their interactions with non-state actors, the chapter highlights the



blurred line between the state and society. I argue that this allows us to not only understand how the state is constituted in all its different forms but also how the border is made and unmade in this blurry interface of state and society.

Chapter 5 concentrates on the act of crossing the border itself and the way state and non-state actors interact with each other in the process. I examine the role of travel documents, border performances, and social relationships between traders and border guards and how these facilitate and restrict cross-border movement. Building on the social embeddedness of state actors, I demonstrate how a cultural intimacy between border guards and border crossers often trumped the necessity for paperwork. Social relationships, familiarity and trust between border guards and regular border-crossers created order and stability in what otherwise may be seen as a porous and unregulated border. Border-crossers without such ties were subject to arrests and sometimes violence.

In Chapter 6, the thesis culminates in a discussion on the way the border comes into being through the interactions of state and non-state actors in the act of trading goods across the border. The interactions come in the form of social relationships and gift-giving practices. I place particular emphasis on the trading practices conducted in sites outside the Thai-Lao Friendship Bridge. At customary border checkpoints, for example, it was at the discretion of the local border guards to decide what they consider licit and illicit goods and how many goods they consider “small-scale”. Border guards on the Thai and Lao side differ in their considerations of the licit and also in their involvement in bribery. With regard to bribery, I argue that we must differentiate between more predatory forms such as extortion and more collaborative forms.

The final chapter provides a summary of my findings and their implications for the study of borders more generally. It also provides a brief insight into the most recent developments in my research area, suggesting further research to be done.

# PART I

## HISTORY AND MEMORY

## CHAPTER 1

### HISTORICAL BECOMINGS OF THE BORDER

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“Since they [the residents] cross over [the river] continuously for visits, the Hueang River is just a symbol of geographical division between Thailand and Laos but it cannot break the friendship and relatedness between the villagers and the string that binds them together” (Surin 2009).

### BREAKS IN HISTORY AND REALITY ON THE GROUND

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Ban Thong was the first community to be established in my research area in 1851 when villagers from Laos brought elephants across the Hueang River to graze. Due to a river flood they ended up staying there. According to a written collection of village histories in Loei province, the other villages on the Thai side of my research area were established between the late 19<sup>th</sup> and the early 20<sup>th</sup> century (Thongdam 1984). Their stories of origin all involve some form of migration from Laos, with the first settlers in Ban Plee fleeing a cholera outbreak in the Lao village across the river in 1877. Ban Sing’s first inhabitants, it is mentioned in the book, migrated from Laos in 1925. Ban Donmai’s complex legend of origin entails a princess who hands over the reign of the village to her brother in a neighbouring village (on the Lao side of the river).

These stories of origin are revealing in that they capture some of the disruptive processes including environmental challenges and shifts in power and control that are characteristic of the whole area’s history, some of which I will present in this chapter. At the same time, they involve migratory patterns across the Hueang River, which substantiate the historical (and kin-based) connection between people on either side of the river that marks the border today. The historical bond between villagers on either side of the river was emphasised by many of my interlocutors, particularly by those who cross the river on a regular basis for the purposes of trade and/or visiting kin. When discussing the history of the area, many of my interlocutors referred to the time before 1975 in a very nostalgic way, describing it as the time when the adjacent Thai and Lao

border villages were perceived and lived as “one village” rather than as separate units divided by the border.

Although the Thai-Lao border already agreed upon in 1893 (and 1904 between Loei and Sayaboury) my interlocutors highlighted the year 1975 as the most significant in the history of the area, particularly with regard to small-scale trade across the Hueang River. According to my interviewees, the communist takeover in Laos in 1975 led to a military enforcement of the border, accompanied by an influx of refugees from Laos to Thailand. This was followed by a series of border wars in the nearby area. While I will take a closer look at the effects of the reinforced border from 1975 in Chapter 2, here I will focus on the historical becomings of the border before 1975. If the nation-state border was only reinforced from 1975, how did the border come into being before then?

Aiming to unravel some of the historical events, developments, and actors that inform the becomings of the border in my research area until 1975 and placing them in the broader historical context of the region, the chapter begins with an overview of the region’s power constellations and the regulation of trade already before the first Thai-Lao border agreement in 1893. This has two reasons. Although the famous agreement of 1893 was the first international demarcation of the Thai-Lao border, it is not often emphasised in the historical literature that the agreement mapped the border along the Mekong River so that the province of Sayaboury officially belonged to Siam (formerly Thailand). It was only in 1904 that Siam ceded Sayaboury to France (the colonial power in Laos), creating an international borderline between Loei and Sayaboury. This would change again during the Second World War with Sayaboury being annexed by Thailand for a short time between 1941 and 1946.

As several studies suggest, however, these political shifts in power had little impact on the local population and everyday small-scale trading practices in my research area (Hafner 1983; Ducourtieux et al. 2005; Laffort and Dufumier 2006), at least much smaller effects than the changes that happened in and after 1975. According to my interlocutors, even the civil war in Laos from the 1950s that ended with the victory of the communist movement of the Pathet Lao in 1975 had little impact on everyday life along the border between Sayaboury and Loei. This was because Sayaboury province did not come under Pathet Lao control until the party’s victory. Instead, the mountains of Sayaboury province (less so the border area) became a site of anti-communist forces

while the border area became increasingly used as a route for cross-border logging and drug trading activities.

Another reason to capture the historical becomings of the border already before the first demarcation of the Thai-Lao border is because the making of the nation-state border was a gradual and often contested process that started long before the first international border agreement and that is still ongoing today. As I will demonstrate, the concept of the territorial border was nothing new to pre-colonial Southeast Asia, although it was applied merely at the local level rather than for the demarcation of larger polities. Despite this, scholars working on Southeast Asia often describe the modern nation-state, its territorial borders, bureaucratic administration, and national identities as something imported and imposed by European colonialism, thereby disrupting the region's 'natural' indigenous development (Reid 1993, 1997; Blussé and Gaastra 1998)<sup>8</sup>. The implication of this is to conceptualise Southeast Asian nation-states and their territorial borders as something sudden, something artificial to the region and its people, which denies Southeast Asians any agency as well as any ownership of their historical development and current situation. More recent scholars, however, have questioned such a narrative and instead focus on the contestedness, contingency, and discursiveness of colonialism in Southeast Asia (e.g. Day 2002; Hawkins 2007; Gainsborough 2007; Walker 2008).

In line with these authors I highlight the contestations and negotiations that have taken place between foreign, indigenous, state, and non-state actors in the context of the Thai-Lao border rather than assuming a break in history at the onset of colonialism (and with the first border agreement) and its accompanying processes of territorialisation, state-making, and bordering. The same applies to the communist takeover in 1975, which marked a significant change in the manifestation of the border from my interlocutors' point of view but which should equally not be seen as a break in history. As I will show in Chapter 2, trade continued despite and because of restrictions on cross-border trade, albeit in a different fashion than before. Since 1975 the nation-state border has been differently emphasised and enforced by different Thai and Lao governments, which has

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<sup>8</sup> Many scholars have argued that although Thailand was never colonised by external forces and remained politically independent, it was not free from Western influences and followed similar patterns as colonised countries. Some scholars have used the term 'semi-coloniality' to describe Thailand's situation as politically independent but strongly influenced by the West, see especially Harrison and Jackson's (2010) *Traces of the Colonial in Thailand* but also works by Thongchai Winichakul, Michael Herzfeld, and Hong Lysa.

had different effects on and responses by different actors on the ground. So although the historical trajectory produced in this chapter ends in the year 1975 (marking a rather literal break), it should not be seen as a point of complete discontinuation.

Although the chapter follows a chronological trajectory leading up to the year 1975, I seek to counter a teleological narrative that is dominated by state discourse. I do so by taking both written and oral accounts as well as state and non-state perspectives into consideration. Such an approach supports a conceptualisation of the border as historically contingent and as a multi-layered process that is constantly in flux. It also takes into consideration the multitude of actors that have been involved in processes of bordering, thereby supporting Hawkins when he calls for a more differentiated approach to the history of Southeast Asia, which: “must be seen as a historical matrix composed of millions of heterogeneous processes and historical actors responding to various stimuli in an attempt to manage order and the world as it occurs” (Hawkins 2007: 282).

When discussing the becomings of the border before 1975 I also engage with the nostalgia around the pre-1975 period that was particularly apparent in my interlocutors’ recalling of the past. Along with Pickering and Keightley, I define nostalgia as “a longing for what is lacking in a changed present...a yearning for what is now unattainable, simply because of the irreversibility of time” (2006: 920). That does not mean that nostalgia of the past emphasises a discontinuity between the past and the present but rather that it is a way of negotiating between the past and the present, between continuity and discontinuity (Atia and Davies 2010: 184).

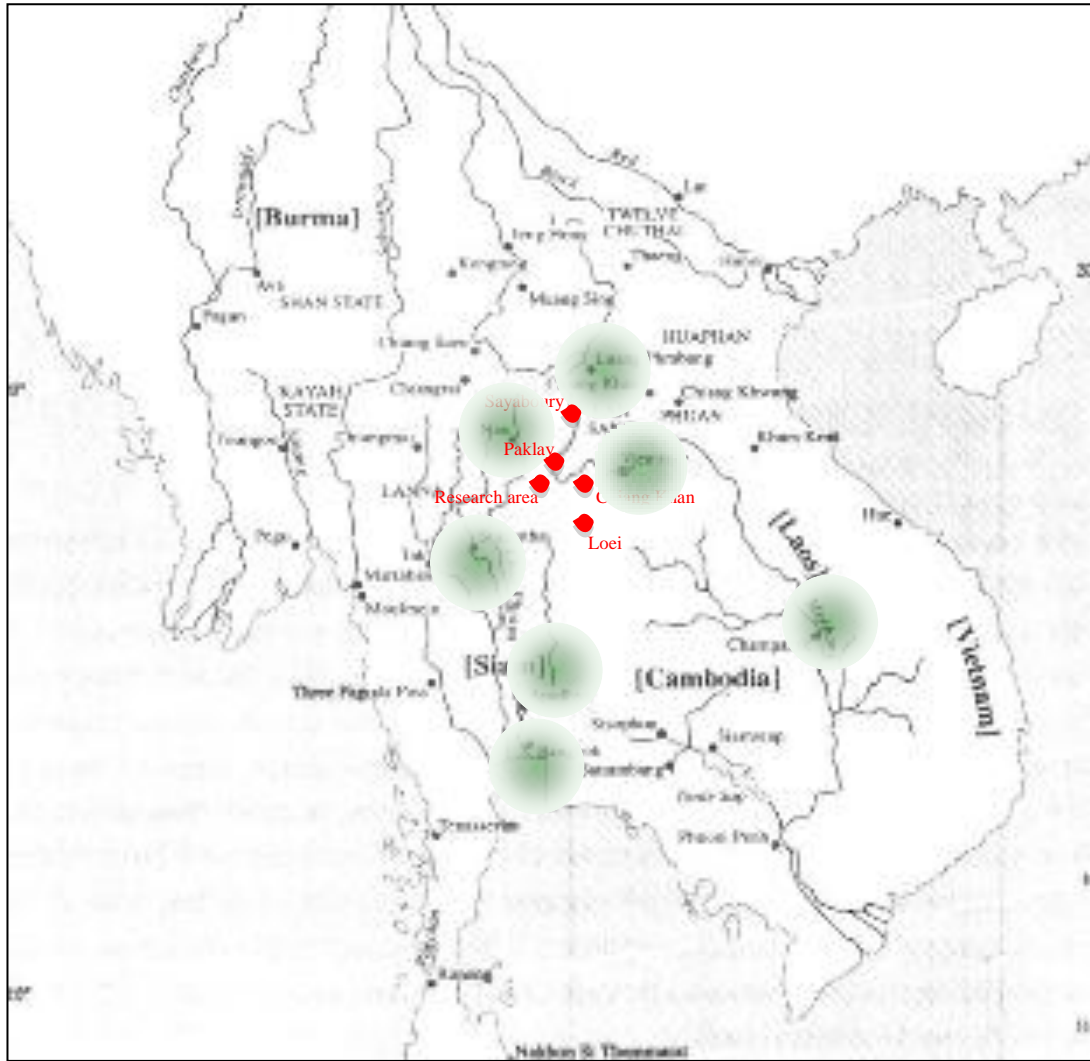
## **ON THE PERIPHERY OF THE *MUEANG***

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Up until the administrative provinces of Loei and Sayaboury were established in the early 20<sup>th</sup> century and integrated into the nation-state of Siam (former name of Thailand) and later Laos, they were part of locally governed principalities situated on the periphery of larger state formations, which competed with each other for power<sup>9</sup>.

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<sup>9</sup> Most historians refer to the pre-colonial system of competing centres of power as *mandala*, which is a Sanskrit term meaning ‘circle’ and which depicted a cosmological centre in ancient Indian manuals of government. Wolters (1999) borrowed the term for the Southeast Asian context in order to describe a “particular and often unstable political situation in a vaguely definable geographical area without fixed boundaries and where smaller centers tended to look in all directions for security” (1999: 27-28). While other authors have used different terms such as “galactic polity” (Tambiah 1976) and “theatre state” (Geertz 1980) for such a system, in this thesis I chose to adhere to the local terminology used in Thailand and Laos that depicts centres of power as *mueang*. Large valley states and kingdoms were usually named



**Figure 4: Relevant centres of power (green) in mainland Southeast Asia 16th to 20th century (Thongchai 1994: 2; own additions in green and red)<sup>10</sup>**

In the mid-19<sup>th</sup> century, the towns of Loei, Chiang Khan<sup>11</sup>, Ken Thao<sup>12</sup>, and Paklay<sup>13</sup> were the main principalities around my research area (Figure 4), despite being very small centres with both Loei and Chiang Khan's populations below 2,500 (see Sternstein 1966: 70, no data for Ken Thao and Paklay available). The advantage of this sparse population's peripheral location in relation to the larger centres of power such as Luang Prabang and Bangkok was that it was subject to local chiefs (who paid tribute to

after their centre of power, e.g. Ayutthaya, Sukhothai, although some were given their own name, e.g. Siam, Lan Xang.

<sup>10</sup> Smaller dots indicate approximate locations of towns/research area; Larger circles indicate centres of power whose reach was constantly in flux. The circles do not indicate the reach of these centres of power.

<sup>11</sup> Chiang Khan is a Thai border town situated along the Mekong River, further east of my research area.

<sup>12</sup> The town of Ken Thao formed the basis for today's Ken Thao district.

<sup>13</sup> Paklay is a Lao trading centre in Sayaboury province situated along the Mekong River.

the larger centres of power) rather than under the direct influence of powerful rulers while at the same time being able to engage in trading practices throughout the region.

In Tai<sup>14</sup> societies, centres of power were called *mueang*, which encompassed polities of different sizes ranging from a conglomerate of small villages to powerful valley states such as those centred on Ayutthaya and later Bangkok<sup>15</sup>. The power of the *mueang* was based not on territorial claims but on the amount of people a ruler was able to call his subjects. Capturing and displacing people as part of military campaigns were common strategies for gaining and maintaining manpower (Scott 2009: 82–83). The *jao mueang* (ruler) reinforced his legitimacy through sacral objects and royal displays of power (Gunn 2011: 59). Premodern Southeast Asian polities were thus based on a centre-periphery logic in that the location of the ruler was also the centre of power. A ruler's power diminished towards the periphery, similar to the light of a reflector lamp originating at the bulb and becoming weaker towards the distance (Anderson 2007 [1972]: 22)<sup>16</sup>.

The Lan Xang kingdom, which is often seen as the precursor of Laos and which spanned a vast area from Luang Prabang across Vientiane to Champassak at the height of its power in the 15<sup>th</sup> and 16<sup>th</sup> centuries (LeBar and Suddard 1967), had a semi-feudal state system with a hierarchical layer of rulers. The kingdom's major cities consisted of Luang Prabang and Vientiane but it also encompassed towns in today's Thailand across the Mekong River including Nong Khai. The ruler of each tributary *mueang* provided a surplus of accumulated wealth to their immediate overlord and where needed a certain amount of soldiers. As long as these provisions were met, the heads of the *mueang* were able to govern at their own will within the agreed codes of conduct (Stuart-Fox 1998: 50).

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<sup>14</sup> The term Tai designates a language family and cultural space that encompasses, among others, the Thai language in Thailand, Lao language in Laos, Shan language in Burma, and Zhuang and Dai languages in Southern China (see Turton 2000: 3-5).

<sup>15</sup> The term *mueang* is also spelled *muang* or *meuang* by other authors. In the contemporary Thai language, the term *mueang* can mean city, larger town, but is also often used as a synonym to *prathet*, meaning country or nation-state. In colloquial terms, Thailand is therefore often called *mueang thai* while the town of Loei is called *mueang loei* and distinguished from the province of Loei (which is then called *jangwat loei*).

<sup>16</sup> This analogy must be taken with caution as it conveys the idea that a ruler's power spread out evenly throughout space, albeit with diminishing strength. Instead, a ruler's power was patchy and could mean controlling some inhabited spaces in one area while none in another area. There was also much uninhabited land in the periphery, particularly in the mountainous areas, which was under no control at all (see Thongchai 1994).



In the early Thai kingdoms of Sukhothai (13<sup>th</sup> – 16<sup>th</sup> century) and Ayutthaya (14<sup>th</sup> – 18<sup>th</sup> century), kings strategically appointed princes, brothers and nephews to towns in order to protect the centre. Those who were appointed to govern a certain area extracted taxes and gifts at their own will and managed labour forces within their respective area (Thak 2007: 112). This system of governing was known as *kin mueang* (lit. transl. to eat the town) and was a normal practice until the centralisation of the administration by King Chulalongkorn (Rama V) in the late 19<sup>th</sup> century (Bidhya 2011: 33). Despite the early abolition of the *kin mueang* system, many authors trace contemporary Thailand's allegedly engrained culture of corruption back to the *kin mueang* system (Neher 1979; Mulder 2000: 133; Nishizaki 2006: 273). The term is also still used in Thai language today as an idiom to denote excessive forms of corruption (Callahan 2000: 65). In Chapter 6, I will revisit this discussion when presenting the local *kin ngen* (lit. transl. to eat money) practices among Thai border officials in my research area.

For now, suffice to say that this system allowed each *mueang* to govern the population at its own will as long as it paid tribute to its overlord. Overlords also drew on the loyalty of the *mueang* for the purposes of military campaigns, trade, and access to resources. In order to ensure continuing loyalty, power was often consolidated through matrimonial alliances, e.g. through marriages between rulers and the daughters of local chiefs, because a ruler was dependent on the loyalty of his governors and administrators. In other words: “everything depended on man-to-man relations” (Wolters 1999: 30). With regard to Lan Xang, Stuart-Fox suggests that: “The great kings in Lao history were those powerful enough both to subdue the factious nobility in the capital and to retain the allegiance of outlying *meuang*” (1998: 73). Over time, however, loyalties and tributary relationships between centres and the *mueang* in the periphery shifted. As smaller centres attracted people and wealth, they could overpower previously powerful centres and shift the relations accordingly.

The difficulty in sustaining the allegiance of smaller *mueang* lay not only in the fact that they could grow and present a threat to the larger centre of power, but also because it was not uncommon for the *mueang* on the periphery to pay tribute to several larger centres simultaneously. In this respect, several authors have pointed out the considerable overlap of the larger Southeast Asian realms (Tambiah 1974; Wolters 1999). Thongchai has described this situation as multiple or shared sovereignty (1994: 96). This meant that the rulers of smaller petty states were autonomous to the extent that

they incorporated the interests of their overlords, even if this meant paying tribute to several larger kingdoms at the same time (Thongchai 1994: 84ff). However, Thongchai's use of the term sovereignty should be questioned as it originated in Western Europe during the Middle Ages and is based on state mechanisms, which distribute laws, decrees and rights evenly throughout a territory with definite boundaries (Dean 1999: 105).

Having described premodern Southeast Asian polities as based more on tributary relationships than on laws, it is, perhaps, more useful to think of them as contest states. Adas uses this term to highlight the "constant struggle between the ruler and the nobility, between factions of the elite at various levels, and between supravillage elite groups and village notables and peasants for the control of labor and the agricultural production which formed the basis of these predominantly agrarian states" (Adas 1981: 218). So from a bird's eye view, such contest states seemed simply to have shared spaces. But on the ground, there was a constant struggle for power. What Thongchai describes as shared sovereignty must thus be regarded in terms of this contestation and rivalry rather than an actual sharing of sovereign power.

When the villages in my research area were established in the 19<sup>th</sup> century, they were situated on the edges of the *mueang* of Luang Prabang (Figure 4) and Lomsak (situated west of Loei, not shown in Figure 4), both of which were paying tribute to the kingdom of Siam (established by the Chakri dynasty in Bangkok) by that time<sup>17</sup>. Siam had just destroyed the city of Viang Chan (Vientiane) and its surrounding areas (including parts of Chiang Khan to the east of my research area) in retaliation to an attack in 1827 and was seeking to consolidate its power among the Lao population across the Mekong River. As part of this project, Chiang Khan with its location along the Mekong River (Figure 1) was used as an administrative centre to govern the area from the southern edge of the *mueang* of Luang Prabang towards Viang Chan (Smuckarn and Breazeale 1988: 12, 23). Siam also appointed a governor of Viang Chan origin to the *mueang* of Lomsak, which encompassed Loei and Ken Thao, who would help gain cooperation from the Lao towns along the Mekong River. Despite these contestations and shifts in power, Laffort and Dufumier describe life in my research area during the early 20<sup>th</sup> century as resembling "living on an island lost in the middle of the forest" (2006 section

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<sup>17</sup> The historical records referenced here do not clarify whether the local princes governing my research area were paying tribute to Luang Prabang, Lomsak, or both *mueang* at the same time.

15), with isolated villages located near the river and close to lowland rice paddies. Historical records also suggest that a group of elders from Lomsak came by foot each year in order to pan for gold, which was sent to Bangkok for the payment of taxes (Schmuckarn and Breazeale 1988: 102). Local princes collected tax and demanded labour but did not interfere in land allocation as land was abundant in the area.

In fact, the abundant land in the periphery was often appropriated by people who fled from overbearing rulers that threatened their subsistence by increasing extractions or corvée labour. James Scott (2009) describes this flight towards the periphery (especially from lowland centres to upland peripheries) as a strategy to escape the direct control of the state before these states started penetrating into more remote territories as part of the nation-state project throughout the 20<sup>th</sup> century. This suggests that the premodern polities of Southeast Asia allowed for the free flow of people between centres as well as from the centres to their peripheries (except in the case of forced displacements and slave raids) and that territorial borders did not exist between larger kingdoms up to the late 19<sup>th</sup> century.

In fact, premodern Southeast Asian polities are often glossed over as “multicentered and boundaryless” (Wolters 1999: 221). While I agree with this in the context of larger state formations, I will argue that such a view misses out on the fact that territorial borders were indeed used at the local level. According to Wijeyewardene (2002: 135), village borders were often marked by fences in order to prevent strangers from entering. The northern Thai city of Chiang Mai was bounded by walls and strangers including traders were often physically removed from the city over night (2002: 136). Baird (2008) points to “three-dozen examples from the 16<sup>th</sup> and early 17<sup>th</sup> centuries of where two towns, villages and monasteries created fixed boundaries once they came into proximity with each other” (Baird 2008: 599). Baird also refers to a personal communication with Breazeale who mentioned a resource dispute in pre-colonial times between two Lao villages that was resolved by accepting a stream in the forest as the border between the two villages.

In order to understand the use of borders in premodern Siam, I draw on Thongchai’s (1994) use of the Thai term *khetdaen* (border) as it signifies a polymorphous meaning of borders. The *khetdaen* was never determined by the central authority (in contrast to nation-state borders) and could refer both to the outer limits of a town and at the same

time to the extremities of a kingdom. The *khetdaen* of a town depended on the surrounding area it could protect while that of a kingdom referred to the furthest extent to which the local population in the outlying *mueang* protected their local territory. An important point here is that these outlying *mueang* were often situated far away from the outlying *mueang* of neighbouring centres of power. Where the nation-state border demarcates the line between two adjacent territories, the *khetdaen* of premodern Siam referred to a frontier area, beyond which there could be vast areas of forest and mountains that were not ruled by any centre of power.

A *khetdaen* could also refer to control over important mountain passages for travel and trade. According to Wijeyewardene, spirit shrines in Northern Thailand that were usually built on the highest point of caravan tracks later coincided with the borders between Thai provinces (2002: 133). In the case of mountain or forest passageways, Thongchai describes how the ruler in Bangkok ordered guardhouses to be set up along them. However, the guardhouses had no meaning as people were allowed to travel through and settle within the principalities beyond them. The extent of Bangkok's rule, according to Thongchai, was dependent on the patrolled distance of the guards at the local level rather than on a demarcated line on a map (1994: 76).

It was merely in cases of hostility between neighbouring kingdoms that the space patrolled by such guards became relevant as the local population under the rule of one kingdom was then prohibited from trespassing into the territory of the enemy (1994: 77). While the reality of this border as it was practiced on the ground is not further elaborated by Thongchai, it can be seen as a historically contingent moment where the border in the sense of territorial exclusion came into being. A similar case is described by Stuart-Fox, although it underlines the multiple meanings of the *khetdaen* rather than evidencing the use of a territorial border. In the 14<sup>th</sup> century, according to Stuart-Fox (1998: 39-40), the Vietnamese ruler sent a diplomatic mission to the eastern *mueang* of his realm for purposes of negotiation after an attack by the Lao ruler Fa Ngum. A border was established in order to distinguish between Vietnamese and Lao spheres of influence based on two conflicting criteria. One divided control according to the types of houses of the population while the other was based on the flow of rainwater (using the watershed as the divider).

Another example that is more relevant to the thesis here concerns the *khetdaen* between the Thai kingdom of Ayutthaya and the Lao kingdom of Lan Xang. In 1560 the rulers of these two kingdoms formed an alliance against the Burmese, pledging that they would coexist in peace. A memorial was hence built in Dansai (in today's Loei province) to symbolise this alliance. The sign, which is still on the memorial today, reads: "The generations to come must not violate and dispossess territory of the other. They must not be greedy or act in a deceitful manner in their interaction until the sun and the moon fall down on this land." Although the insignia makes reference to territorial possession, the memorial should not be mistaken to signify a border marker in the modern sense. Instead, it was a symbol of the relationship between the two kingdoms (Gerson 2003: 186f)<sup>18</sup>.

While the list of different *khetdaen* examples could be extended ad infinitum, the point here is that territorial borders did exist to a certain extent in premodern Southeast Asian polities but merely at the local level rather than as a territorial separation between two kingdoms. Such a separation would defy the concept of the *mueang*, which continuously grew and diminished in size depending on its tributary relationships, as well as the existence of principalities that paid tribute to several overlords at the same time. Before taking a closer look at the first demarcation of the Thai-Lao border in 1893, however, I would like to come back to the importance of passageways for trade. Control over these through the use of *khetdaen* was not only crucial to the generation of wealth for Southeast Asian kingdoms, but was also an essential way in which ethnic groups in the high-, mid- and lowlands engaged with each other (e.g. Leach 1970).

While the acquisition of manpower was essential to the strengthening (and weakening) of premodern Southeast Asian states, another important aspect was control over (Hall 1985). Trade was a principle means of generating wealth. In Lan Xang, Tai-Lao middlemen maintained trading relationships with *lao theung* (called midland Lao in English; ethnic minorities speaking Mon-Khmer languages) using their canoes to travel upstream several times a year to give cotton cloth, iron and silver in exchange for forest products. While rivers were the main means of transportation, buffalo carts and pack animals were also used in-between nearby villages. Lan Xang also maintained trading

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<sup>18</sup> The Ghost Festival, which is nowadays a major tourist attraction in Dansai, Loei province, is based on this relationship as the spirit mediums in the festival symbolise descendants of the kings.

relationships with neighbouring kingdoms such as Ayutthaya, Lan Na and Cambodia (Stuart-Fox 1998: 49).

Control over trade passages increased wealth and power and therefore also constituted another competitive aspect between the *mueang*. Viang Chan was difficult to reach by boat and oxcart (from all directions) as travel was slow and often dangerous (Gunn 2011: 61)<sup>19</sup>. This greatly limited its opportunities of trade. What exacerbated this situation was that Siam did not allow Lao traders to sell their goods freely at Ayutthaya's market and also discouraged foreign merchants and missionaries to trade with the Lao. Because of this, the latter did not get the opportunity to trade directly with the Dutch and Portuguese, e.g. to obtain weapons (see also Mayoury and Pheuiphanh 1998: 50f). This contributed to the declining power of Lan Xang towards the end of the 17<sup>th</sup> century (Stuart-Fox 1998: 89ff).

Although my research area was described as mainly forested by French travellers in the mid-19<sup>th</sup> century (Mouhot 1864), there is also evidence that a range of trading activities were conducted that connected it to the wider region. According to Laffort and Dufumier (2006), Chinese traders from Bangkok regularly travelled to Ken Thao to sell cotton, matches, and dishes, receiving stick-lac in exchange. Salt was also extracted in the nearby area and sold to other provinces in Siam. The local elite also raised elephants, which they used to transport heavy loads over long distances and through which they had access to the caravan trade. The then Siamese currency (ticals) as well as silver coins from British Burma were therefore circulating throughout the area during this time (Aymonier 2000). The construction of roads during World War II further facilitated such trading practices and access to international trade. I will come back to this in the next section.

Apart from generating wealth and establishing social relations, trade relations also prompted Siam's path towards becoming a modern nation-state. In 1855, it signed the Bowring Treaty with the British, which removed protective import barriers and instigated a "liberalised" trade regime that eventually led to the decline of local industries (Terwiel 1991). While creating the conditions for a capitalist economy in this context, the Thai monarchy also began to pursue reforms that would allow it to form a centralised and territorially fixed administrative structure (Connors 2007: 36). In the

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<sup>19</sup> There was intense competition between those traders who did reach Viang Chan, including Siamese and Muslim (e.g. Malay, Indian, Persian and Arab) traders.

following, I will describe the colonial encounter that accelerated nation-state building efforts in Thailand and Laos as well as the demarcation of the borderline between Thailand and Laos but also created new national imaginings that were a crucial part in processes of bordering.

## **BORDERING THROUGH NATION-STATE BUILDING**

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The creation of the Thai and Lao nation-states involved (and still involve) technologies of state-making and nation-building, processes of territorial bordering as well as discourses of identity and belonging between Siam/Thailand<sup>20</sup> and Laos. In 19<sup>th</sup> century mainland Southeast Asia, control over people was supplanted by control over space. Processes of territorialising Laos were led by Siam and France, with Siam increasing its control over the Lao territories from the West (including my research area), and the French embarking on its *mission civilatrice* from the East. Eventually, Laos was incorporated into France's Indochina and its border with Siam negotiated through a series of treaties and maps<sup>2122</sup>. The treaties involved the multiple ceding and retroceding of Sayaboury, though this only had a minor impact on livelihoods of the local population in my research area. Meanwhile, Siam/Thailand also continued to incorporate the Lao in Laos and the Lao population inside Siam within its category of the "Thai race" while the French sought to differentiate between the Thai and the Lao.

Siam had already started reasserting its suzerainty over the Mekong region (east and west of the Mekong) in the early 19<sup>th</sup> century (particularly after the revolt of Chao Anou against the Siamese king in 1827) on the basis of the centre-periphery logic. It appointed Thai officials and loyal administrators to govern the smaller polities in the Khorat Plateau (Northeastern Thailand with Loei on its fringes) who were rewarded by the king for increasing the manpower of their polities. This resulted in the (voluntary and involuntary) resettlement of a large number of Lao people from the east side of the Mekong River to the west side (Stuart-Fox 1998: 113; see also Grabowsky 1995: 115).

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<sup>20</sup> Siam changed its name to Thailand in 1939.

<sup>21</sup> The fact that Laos had no claim to itself is due to its fragmentation between the kings of Luang Prabang, Viang Chang, and Champassak (southern Laos), and the small principalities situated in-between.

<sup>22</sup> Historians have debated whether or not Laos is a creation of the French. While Lan Xang can be seen as a state that existed before the arrival of the French (although Lan Xang disintegrated into three parts in the 18<sup>th</sup> century), the existence of a common sense of belonging or national identity is questionable (see Stuart-Fox 1998; Jerndall and Rigg 1998 for a summary of the debate).

According to Grabowsky, at least 100,000 Lao were forced to resettle in what is today Northeast Thailand, also called Isan (1995: 121). Grabowsky even goes so far to say that in the decades that followed the war of 1827: “the demographic centre of gravity of the Lao country had moved from the trans-Mekong territories [...] to the Khorat plateau” (Grabowsky 1999: 46). Situated on the periphery of both the Mekong territories and the Khorat Plateau, my research area was not affected as much by these policies (the villages in my research area were only established from the mid-19<sup>th</sup> century) although I have already noted above that a governor of Viang Chan origin was appointed to govern the area while at the same reasserting the suzerainty of the Thai monarchy.

Despite not having directly affected my research area, the population displacements of the early 19<sup>th</sup> century are an important aspect of the regional history that resulted in more ethnic Lao living in Thailand than in Laos itself (Jerndal and Rigg 1998)<sup>23</sup>. What is interesting to note, furthermore, is that by forcibly displacing large parts of the population from the east to the west side of the Mekong River, Siam not only (intentionally) created a sparsely populated buffer zone with Vietnam but also (unintentionally) anticipated the French vision of the Mekong River as the “natural” border between Siam and Laos (Grabowsky 1995: 124).

By the 1860s the French had already established a protectorate in Vietnam and Cambodia (French Indochina). Although France had verbally reassured Siam that it was uninterested in the Mekong territories, it published a map in 1885 on which Siam’s territory was limited to the area West of the Mekong River (including Loei and Sayaboury), thereby questioning Siam’s suzerainty over the area that is today Laos (Ivarsson 2007: 34, see also Thongchai 1994 on the importance of mapping in the creation of the ‘geo-body’ of Siam). Although Siam was not completely unaware of the European conceptions of space and both King Mongkut (Rama IV who reigned Siam from 1851 – 1868) as well as his son King Chulalongkorn (Rama V who reigned from 1868 – 1910) displayed an interest in Western knowledge, Siam only started reinforcing its *territorial* control over the Mekong region in the 1880s by sending royal commissioners who asked the local officials to defend their territories from the

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<sup>23</sup> Jerndall and Rigg claimed in 1998 that there were nearly 20 million ethnic Lao living in Thailand, which was eight times as many as in Laos (Jerndall and Rigg 1998: 821).



advances of the French. Despite these efforts, the French claimed Laos as a tributary of Vietnam in 1887<sup>24</sup>.

A major dispute over the islets within the Mekong River eventually occurred in 1893, leaving Siam and France at gunpoint. The outcome of the crisis was that Siam ceded the entire territory east of the Mekong River to France and agreed to a 25km demilitarised zone along the west bank of the Mekong River where no Siamese police or military fortifications were allowed (Grabowsky 1995). The treaty of 1893 gave way to the first official map of the border between Siam and Laos that saw Loei and Sayaboury as part of Siam (Figure 5). To Thongchai, the agreement also led to “the emergence of modern territorial sovereignty and international order and a new meaning of native soil” (Thongchai 1994: 111-112). In other words, a border based on the Westphalian logic of territoriality and sovereignty replaced a mode of governing according to the centre-periphery model.

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<sup>24</sup> Under the French, Laos was part of Indochina, together with Cambodia, Tonkin (North Vietnam), Annam (Central Vietnam), and Cochinchina (Southern Vietnam). Laos, however, was only merged to a single administrative unit in 1899. The French rebuilt Vientiane (formerly Viang Chan) and the Résident Supérieur set up his residency there (Ivarsson 2008: 94). Luang Prabang, however, was not directly ruled by the French but only as protectorate of French Indochina. Apart from a limitation on his forestry rights, the king of Luang Prabang retained all of his privileges, although his decisions and decrees needed approval by the Résident Supérieur to Laos (Phongsavath 2002: 7). After the Thai-Lao treaty of 1904, Luang Prabang comprised four provinces that included Sayaboury and which were administered by royally appointed governors.



**Figure 5: Thai-Lao border along upper Mekong River in 1893 (St John 1998: 13)**

In reality, however, the implementation of the territorial border between Siam and France was not as straight forward. In his account of the Thai-Lao border situation between 1893 and 1900, Walker demonstrates how French colonial officials could not simply impose a new spatial conception but instead had to learn to interact with, and win the favours of local chiefly elites and Siamese bureaucrats (Walker 2008). This was the case not only within the territorial limitations of Indochina but across its newly established borders as well. Toye suggests that the colonial period in the Thai-Lao borderland was a time when “the Lao people mingled freely across their great river [Mekong]; the scattered hill peoples hardly noticed the new boundary posts in the north-east” (Toye 1968: 48). And in the 1930s, the Thai government allowed anyone to cross the border from French Indochina into Thailand without documentation (Mayoury 1994: 60), thereby drawing the Lao population into their realm. Such accounts clearly highlight the discrepancies that often existed between border demarcations on maps vis-à-vis the realities on the ground.

The same goes for the introduction of a new provincial system in Siam and the centralisation of its administration from the 1890s. With the abolition of slavery and the corvée labour system, the king's subjects turned into citizens (Keyes 2014: 8). Based on the model of British Burma, Siam was subdivided into 18 administrative circles (*monthon*), cities (*mueang*), districts (*amphoe*), subdistricts (*tambon*), and villages (*muban*). Not only were these divisions artificial constructs that (mostly) did not coincide with existing patterns of settlement (Englehart 2001: 100), but the new administration system was also met with some resistance among the nobility (Bunnag 1977: 164). While up to this point, provincial governors could run their provinces and collect taxes at their own will (*kin mueang*) Bangkok now appointed salaried officials to each level down to the subdistrict. Civil servants turned bureaucrats had to follow a code of conduct, were accountable to their superiors, could be promoted and demoted and confined in their functions to their administrative territory (Bidhya 2011: 33). In addition to the local resistance, a lack of qualified officials as well as funds meant that the transformation was gradual. Loei province was only formally established in 1907 (Bunnag 1977: 164; Vickery 1970).

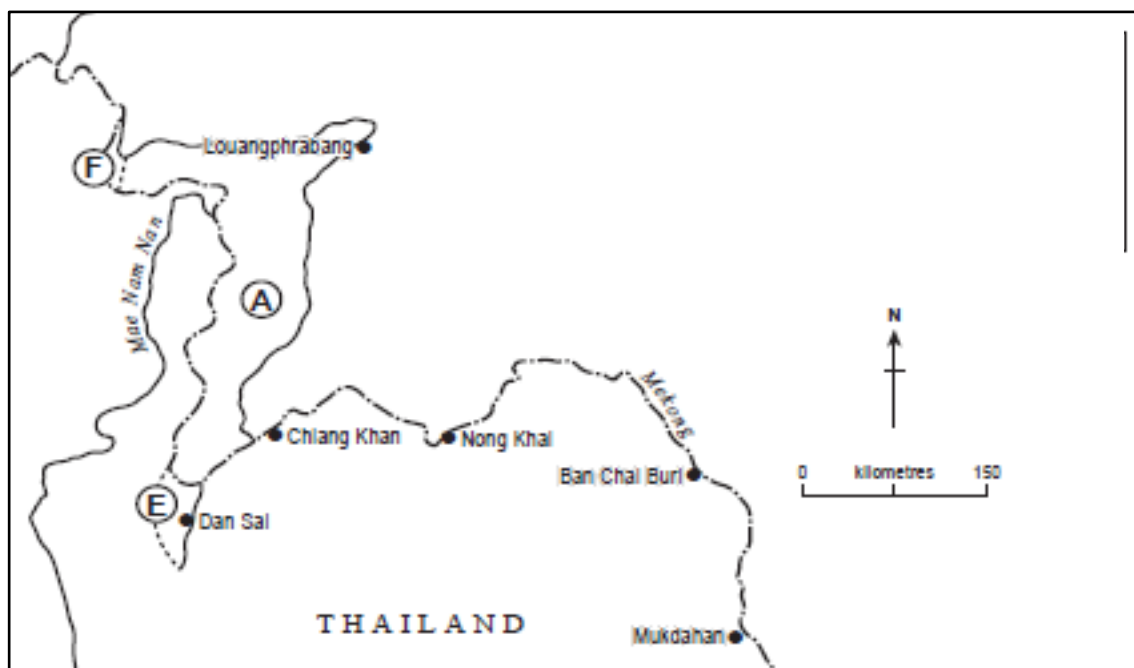
Although Sayaboury belonged to Siamese territory after the treaty of 1893, it was ceded to France before it could be integrated into Siam's provincial system. Negotiations between Siam and France from 1902 led to Siam's loss of Sayaboury in 1904 (Figure 6: Area A) and the cessation of the area around Dansai (southwest of my research area) between 1904 and 1907 (Figure 6: Area E). According to the oral history in my research area, the effect of the borderline between Loei and Sayaboury as agreed by the Siamese and French governments in 1904 was minimal in this peripheral borderland as the borderline in the Hueang River was only demarcated in 1923 (Surin 2009)<sup>25</sup>. The borderline was not drawn in the middle of the river but three elbow-lengths (*wa*) away from the Siamese riverbank. Today, all of the small islets in the Hueang River therefore belong to Lao territory.

During my research, the fact that the borderline within the Hueang River was three elbow-lengths away from the Thai riverbank was a well-known fact among the boat operators who worked at the checkpoints in my research area. However, it made little difference to their everyday practices. The boat operators described it more as a

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<sup>25</sup> The maps of 1904 and 1907 would become relevant once more in 1987 when fighting broke out between Thai and Lao army troops south of my research area on the basis of different interpretations with regard to the borderline's exact location (Chapter 2).

historical fact rather than a political reality. As described in the introductory chapter, boat operators and local residents from both sides used the river for transporting people and goods, for fishing, bathing, playing, and as a water resource for irrigation. So while the nation-state border between Sayaboury and Loei came into being on maps in the early 19<sup>th</sup> century, it had yet to have an effect on the everyday practices of the local population.



**Figure 6: Thai-Lao border along upper Mekong River in 1904/1907 (St John 1998: 17)**

The story of the demarcation of the borderline in my research area does not end here though. During the Second World War Siam was able to gain temporary control over Sayaboury, annexing it in 1941 and retroceding it to France in 1945 (Figure 7). Over the course of these four years, the Siamese government built a road from Ken Thao to Sayaboury, which further facilitated transportation and regional trade. The government also imposed the Siamese currency (baht) as the main currency of exchange (Laffort and Dufumier 2006). During my fieldwork, the baht was still widely used in Sayaboury's borderland districts in addition to the Lao kip despite the Lao government's efforts to restrict the usage of the Thai baht.



**Figure 7: Territory in upper Mekong region annexed by Thailand between 1941 and 1945 (St John 1998: 20)**

In addition to the Thai monarchy's efforts of territorialisation (border demarcation and provincial system) and bureaucratisation (central administration), processes of bordering also took place at the level of identity formation. The Thai and Lao royal families had always been involved in each other's affairs and were linked by marriage and dynastic bonds for many years. Their relationship, however, was marked by historical struggles for power and particularly the war of 1827 provides evidence for the Lao royalty's resistance to Thai expansionist campaigns (Mayoury 1994: 4f). Although they were part of the same *tai* language family, furthermore, the Siamese kings often emphasised their feeling of superiority against the Lao. In the mid-19<sup>th</sup> century, King Mongkut still described the Lao as "slaves" with a "barbarian culture" (Mayoury 1994: 4; Streckfuss 1993: 132f).

At the same time, however, the Siamese kings celebrated the fact that they wielded power over a heterogeneous population (Streckfuss 1993: 132f; Streckfuss 2012: 419f). During this time the marker for social standing was not so much ethnicity than what the

elite deemed to be “civil” (the populations of the *mueang*) and “uncivil” (the hill and forest dwellers) (see Thongchai 2000; Renard 2000)<sup>26</sup>. When the European colonial powers showed an interest in the area in the late 19<sup>th</sup> century, the Siamese kings made no effort to hide that they were exerting suzerainty over areas beyond the Chao Phraya River Basin (north of Bangkok) that were predominantly populated by non-Thai groups (Streckfuss 2012).

The European colonial powers and particularly the French, however, used a “racial logic”<sup>27</sup> to interpret the differentiation between Thai and non-Thai groups, thereby essentialising the traits and senses of belonging of these groups. Within Siam, Thais were in fact a minority when compared against non-Thai groups. The French therefore used this differentiation to call into question the Siamese’s suzerainty over much of their kingdom, including the Lao areas. The Siamese, in turn, were quick to adapt the racial framework of the Europeans to their own advantage by stressing the shared heritage of the Thai and Lao and depicting the Lao as part of the “Thai race” (*chon chat chat thai*) (Streckfuss 2012: 307f).

While these processes of social boundary making did not influence the outcome of the first border agreement of 1893, they did have an effect on the population censuses that followed, but also paved the way for the way nationalism and citizenship rights were set up in Thailand over the following decades<sup>28</sup>. In his analysis of the censuses of Siam, Streckfuss demonstrates how this new “racial unity” meant that in the census of 1912, 89.3% of Siam’s population was counted as Siamese, even though 43.5% of it was actually Lao (2012: 308). Commissioners were sent to the Lao areas to impress upon the local power holders that they should describe themselves as Thai rather than Lao. Where state schools had been established, furthermore, the curriculum was also adapted to include lessons on how to “behave appropriately for a Thai” (Streckfuss 2012: 309). These assimilationist policies of the Siamese were met with some resistance by the Lao

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<sup>26</sup> There was extraordinary diversity in the Chao Phraya River Basin as well as in the Khorat plateau with peasants from all across the region and an increasing number of Chinese immigrants in Bangkok and its surroundings. In Laos, there were constant encounters between different ethnic groups in highlands and lowlands. Ayutthaya borrowed cultural and ritual elaborations as well as the style of the courts of Europe while Lao courts adopted those of the Ayutthayan court (Evans 2002: 37).

<sup>27</sup> Streckfuss uses the notion of “racial logic” to describe the assumption that a geographical and political entity can only be a nation if it is comprised of a people of the same race, culture, and language.

<sup>28</sup> Thai citizenship (*sanchat thai*) was henceforth described as belonging to the Thai race/ethnicity (*chuea chat thai*). By conflating nationality and citizenship with race and ethnicity, Siam homogenised an ethnically diverse kingdom (Streckfuss 1993: 142). See also Pinkaew (2015) for the historical development of Thai citizenship.

living on the Khorat Plateau (Thailand's Northeast), first in the form of the "holy man rebellion" (*phumibun*) in 1901-1902, and later through the adoption of the ethno-regional identity of Isan rather than the national identity of Thai (Keyes 1967)<sup>29</sup>.

Located on the western fringes of Northeast Thailand, the inhabitants of my research area speak a Lao dialect that is similar to that spoken in Luang Prabang. During my research in the Thai border villages, the dialect was referred to either as the "Loei language" (*phasa loei*) or the "local language" (*phasa thongthin*) and very rarely as Lao (*phasa lao*). On the Lao side it was described as Lao (*phasa lao*) and sometimes also as the "local language" (*phasa thongthin*). There seemed to be a strong distinction between Thai and Lao not only in terms of language description but also in terms of identity construction. My interlocutors always described themselves either as Thai (*khon thai*) or Lao (*khon lao*). As the teachers in Ban Thong School explained to me, a Lao born resident of Thailand was still considered Lao if both parents were Lao. If one of their parents was born on the Thai side, however, they could be considered Thai. This complex interplay of birth place, heritage, and residency in the construction of this border population's identity was clearly a product of the Thai (and later also the French/Lao) governments' efforts to create a unified "imagined community" (Anderson 2006 [1983]).

In the ethnically heterogeneous Laos of the early 20<sup>th</sup> century, however, the French did not initially prioritise the forging of a national identity. Until the Second World War, the French government perceived Laos more as a resource rich annex to Vietnam than as a separate unity worthy of specific attention (Rigg 2009: 6). Keyes suggests that by the 1930s, "the historical experience of Lao in northeastern Thailand had diverged significantly from that of the Lao living on the right bank of the Mekong who were under French rule" (2000: 211). Keyes also notes elsewhere, however, that in Thailand's rural areas, the Thai government had a more profound influence only from the 1930s (which applies also to my research area). After the overthrow of the absolute monarchy, subsequent Thai governments further promoted the establishment of state schools in rural villages. The local monastery's education was thus replaced by a

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<sup>29</sup> Today, the older generation of Northeasterners has been found to still identify with the Lao in Laos, while the younger population uses the term Thai Isan or simply Thai to describe their identity. In doing so, the younger generation strongly differentiates itself from the Lao in Laos (McCargo and Krisadawan 2004: 233). In his study, McCargo and Krisadawan found that "Isan people were proud of having surpassed Laos, of being more sophisticated and civilised", while themselves being looked down upon by Central Thais and described as "country bumpkins" (*bannok*) (McCargo and Krisadawan 2004: 231).

national curriculum based on the standardised Thai language and a compulsory primary education of four years (Keyes 2014: 9; Waraiporn 2007: 264).

In 1960, compulsory primary education in Thailand was raised to seven years but several of my interlocutors had received only the initial four years of primary education. This includes my interlocutors on the Lao side of the Hueang River who had gone to school on the Thai side during that time. With the nation-state border remaining fairly porous until 1975 and the Lao education system not as established yet in Sayaboury, several villagers on the Lao side went to school across the border by either walking through the Hueang River or by using self-made wooden bridges to cross over on a daily basis. In doing so, these Lao border residents received an education based on the Thai national ideology that sought to integrate the rural areas into the Thai nation-state. I suggest that this reinforced the already strong bond between the residents of both sides of the Hueang River but also the Lao border population's affinity to Thailand.

Thailand's nationalist ideology was promulgated particularly during the military government of Phibun Songkhram (1938-1944 and 1948-1957). Phibun's government is much associated with a pan-Thai nationalism that envisioned Laos and other regions as part of a 'Greater Siam'. The change of Siam's name to Thailand in 1939 was but one manifestation of this national culture policy that aimed to unite all Tai speaking people under Thailand's control, especially those under British and French rule (including the Lao) (Reynolds 2002: 5f). Ivarsson suggests that this was a forerunner of Thailand's campaign during World War II to reclaim the territories it perceived to have "lost" to the French and British in 1893, 1904 and 1907 including Sayaboury (2008: 71). While Thailand was in fact able to annex Sayaboury (and Champassak in the south of Laos) for a short period from 1941-1945, the French also began a nationalist campaign in Laos in 1941, which had the aim of dissociating the Lao from the Thai.

The nationalist campaign employed by the French in Laos involved the standardisation of a written Lao language, the printing of a newspaper that promoted the nationalist idea as well as the construction of railways that connected Laos with the rest of Indochina and de-linked it from Siam. National symbols were also introduced such as the national flag and the national anthem (Ivarsson 2008). Alongside the slow but gradual efforts of the French, however, a young Lao lowland elite had emerged in Vientiane that, under



Prince Phetsarath, was calling not only for the unification of Laos but for a Laos that was separate from Indochina (Pholsena 2006: 88f).

The Lao independence movement's efforts were side-lined by the Second World War, during which Laos came under Japanese domination. King Sisavangvong used the war to declare Laos' independence in 1945 but the French reasserted control over Laos in 1946. After Laos' independence in 1954, the Royal Lao Government (RLG) and the lowland Lao elite became increasingly threatened by the communist movement of the Pathet Lao. The country was soon drawn into the Vietnam War, in which not only the different factions within Laos but also the USA and the Thai government became involved. Partly due to these political developments, the nationalist campaign in Laos was not only very different but also had a much lower impact on the population that it did in Thailand (see further Pholsena 2006: 86f).

Many Thais lament the "loss of their Lao territories" still today, perceiving Laos as part of a "Greater Thailand" (Pholsena and Banomyong 2006: 62). The common phrase used in Thailand to denote the Thai-Lao relationship is therefore *ban phi mueang nong* (the home of the elder brother, the home of the younger brother) (Pholsena and Banomyong 2006: 60). The Lao, however, prefer to use the term *ban kai hueang kieng* (neighbouring countries). Countering Thailand's often patrimonial attitude towards Laos, the current Lao government continues to promote an image of Thailand as expansionist, corrupt and narcissistic (Pholsena and Banomyong 2006: 64f; Rehbein 2007: 55).

Despite efforts of creating a social rift between the Thai in Thailand (including the Lao in Thailand's Northeast, which Thailand sought to assimilate) and the Lao in Laos, the border villagers in my research area continued to interact and identify with each other. According to my interlocutors, not only were most of the villagers engaged in small-trading activities across the Hueang River before 1975 but they were also able to draw on kinship and other social networks to facilitate this process and improve their livelihoods.

## **LIFE ALONG THE RIVER DURING THE CIVIL WAR IN LAOS**

After the Second World War the anti-French independence movement in Vietnam instigated a communist liberation movement in Laos, which gave rise to the Pathet Lao

movement. By the time of Laos' independence in 1954, the Pathet Lao had brought a considerable part of Laos under its control. It was supported particularly by the upland ethnic minorities while the French-backed Royal Lao Government (RLG) dominated the lowland population as well as Sayaboury. The USA started backing the RLG already in the 1950s and actively intervened in Laos from the 1960s. Thailand was also a key player in the war in Laos. Taking a strong anti-communist stance under Field Marshal Sarit, it hosted American air bases and army facilities, and engaged in covert operations inside Laos (Sutayut 2012: 186). With the help of the USA and Thailand, the RLG was able to control the Lao borderland including Sayaboury until the victory of the Pathet Lao in 1975.

Thailand not only supported the USA, it also sought the USA's support in fighting the communist threat within Thailand itself. The Communist Party of Thailand (CPT) had emerged in the 1940s and gained stronghold especially in Thailand's Northeast where its programme of radical change was appealing to the ethnic Lao population who felt alienated by the Thai government. It was also appealing to many ethnic minority groups in the highlands who felt repressed by Thai authorities (Renard 2001; Delang 2003). Although the CPT only reached its peak in 1976, it already led small-scale guerrilla operations before then (Keyes 1989: 108). One of the first big counter-insurgency operations of the Thai army against the CPT was conducted in the three-provinces area of Loei, Phitsanulok and Petchabun. It failed, however, due the unfamiliarity of the soldiers with the counter-insurgency operations and the difficult terrain (De Beer 1978: 146f). The CPT was therefore able to continue its operations from its camp in Phu Hin Rong Kla, Loei province, 90km away from the Lao border<sup>30</sup>. At the same time, many pro-communist Hmong villages in Loei and the surrounding provinces were destroyed by the Thai paramilitary during this time. They often fled across the border to Sayaboury province<sup>31</sup>.

In response to the uprising CPT within Thailand, the civil war in Laos, and the insurgence activities of other groups along the Burmese border in the 1950s, the Thai government established the paramilitary force of the Border Patrol Police (BPP). Its aims were to counter communist insurgents along Thailand's borders by training local

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<sup>30</sup> Today, the area is an open-air museum with exhibits from the Communist camp from the 1960s and 1970s.

<sup>31</sup> In Laos, most Hmong joined forces with the US and were mobilised by the US to fight against the Pathet Lao. Some Hmong however decided to join the Communist forces (Hamilton-Merritt 1993: xiii).

villagers and creating border security volunteer teams such as the Volunteer Defence Corps (*Or Sor*) (Renard 2001: 124). The BPP received training from the CIA and advisers from the US Army Special Forces (Peleggi 2007: 66). From 1978, it was assisted by paramilitary Rangers (*thahan phran*). Both the *Or Sor* and the *thahan phran* were still active in my research area during the time of my fieldwork in 2011/2012<sup>32</sup>. However, there are also many accounts of the BPP abusing its power within the highlands as well as of its engagement in the opium trade (Bo Gua 1975; Delang 2003). In fact, Peleggi (2007) describes how the Thai government had gained control of the opium trade in the 1950s and that it provided a major source of revenue for the Thai government and the CIA-backed Hmong in their fight against the Pathet Lao<sup>33</sup>. The Chinese Kuomintang (KMT) who controlled the distribution of opium across the Golden Triangle were also given sanctuary by Thailand after being forced out of Burma (see also Kislenko 2004).

It thus becomes clear how the Thai government also cooperated with a variety of anti-government and insurgent groups of neighbouring governments (e.g. CIA-backed Hmong along the Thai-Lao border, KMT of China along the Thai-Burmese border) in more or less covert operations and provided refuge to them. Battersby describes these relations as a “complex knot of trans-state politico-military linkages” (1998: 474), which effectively resulted in the Thai government losing its monopoly of violence over its border areas until the 1980s. Instead, groups like the CPT and the KMT were involved in regulating the Thai border areas in addition to the Thai army, police, BPP and other paramilitary groups. Thai border enforcement during this time was therefore less aimed at control over trade and immigration than at securing the core of the kingdom from local resistance groups. The Thai government also used its “politico-military linkages” to advance the interests of the upper ranks of the civil service and the military.

From the end of World War II until 1973, Thailand underwent a succession of Field Marshals as prime ministers, which increased the military’s dominance within the Thai polity. While the Ministry of Interior (MOI) controlled all aspects of provincial and district administrations, local officials often continued to adopt a *kin mueang*-style rule, thereby extracting not only taxes but also money or labour for their own personal gain

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<sup>32</sup> I will elaborate their background further in chapter 5 and their involvement in small-scale trade in chapter 7.

<sup>33</sup> For an account of the CIA’s involvement in the drug trade see McCoy (1991).

(Keyes 1989: 142-143; Hewison and Maniemai 2000: 197; Arghiros 2001). In my research area, my interlocutors remembered that state actors only exerted a minor influence on the local population and its activities during this time. State actors included local authorities such as village headmen and the police but not any insurgent or paramilitary groups. This was the case on the Thai as well as the Lao side and facilitated the free flow of small-scale trade across the Hueang River during this time<sup>34</sup>.

With regard to foreign actors, however, one of my interlocutors recalled the CIA observing the Hueang River area: “Before the Revolution [the communist takeover] there were no foreign soldiers here. There was only the US that sometimes came to look at what was going on and to report back to their offices.” He then evoked with pride that he was working with the CIA himself: “They [The US] had officers (*luknong*) who came to get information. These officers were from the CIA. The Americans were in Thailand and sent the CIA to get information along the border to Laos. They wanted to know if there were any Red Lao [Communists] and if yes, where exactly they were and where their checkpoints were.” According to my interlocutor, he was asked by the CIA officers to observe the border area and provide them with written reports. He remembered regularly sending such reports to the CIA’s offices in Udon Thani.

From these accounts, it can be gathered that during the time between the Second World War and the communist takeover in Laos, some parts of the Thai-Lao border were under control of the Thai and Lao government and their armies or paramilitary groups, that other parts were occupied by insurgent groups such as the CPT, and again other parts largely unaffected by any of these groups. Located on the western fringes of Laos and surrounded by the mountains of Loei and Sayaboury, the border area between these two provinces seemed to have been fairly peripheral to the war. For General Vang Pao, a prominent Hmong leader of the anti-communist forces who worked closely with the US, Sayaboury was seen as a viable escape route to the Thai side during the war (Hamilton-Merritt 1993). The border population in Thali and Ken Thao districts were thus able to continue their livelihoods as usual during this time. This is also evidenced by my interlocutors’ memories.

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<sup>34</sup> Although my interlocutors emphasised the free flow of people and goods across the border during this time, it can be assumed that this flow was regulated by non-state actors (if not also state actors) based on a variety of social factors. This kind of data, however, was not obtained as part of this research and I suggest conducting further research on this in the future.

Most of my Thai and Lao interlocutors were not old enough to remember the period of the Second World War but nearly all of them remembered the decade(s) before the communist takeover in Laos in 1975. In fact, a certain nostalgia around this historical period became obvious as I asked questions regarding the contemporary border situation and cross-border trade. Many of my interlocutors recalled an open border that allowed the villagers on either side of the river to live, work, and engage closely with each other.

According to a member of the Thai Volunteer Border Militia, villagers were aware of the fact that the river marked the border between Thailand and Laos but this did not have an impact on the movement or daily activities of border residents. In a focus group I conducted with several elderly border residents, they were reminiscent of the ease of cross-border movement before 1975: “In the dry season, the local bus took people from Ken Thao district to Loei. During the rainy season the local bus couldn’t cross over the river so people crossed over by boat instead. Everyone knew each other. You knew whether someone was from the Lao or the Thai side but some people who had houses on both sides had two nationalities (*chueachat*, lit. translation: race/nationality). You could stay over on either side, however you wished. Thai people would take their Lao friends to eat in Mueang Loei. Nowadays that’s not possible anymore. You can’t just stay over on the other side. You have to get permission (*anuyat*) first”. A female trader further explained: “It was very convenient (*sabai sabai*) back then. You could go and live wherever you wanted”.

In fact, several of my elderly interlocutors moved back and forth across the river when they were young. An elderly lady, Noi, who also lived in the same village as I and who accompanied me to the Lao side many times, described how she used to live on the “other side” when she was young. Her family owned a rice field on the Lao side where they worked while Noi went to primary school in Ban Thong. Her parents had built her a small bamboo bridge so that she could cross over the river every morning and afternoon. One of the village headmen, furthermore, lived on the Thai side in Ban Sing with his parents when he was young but on Fridays, he would cross over the river to the Lao side to stay with his grandparents and help them on their farm. Many cross-border marriages were also established during this time, although it must be questioned whether these marriages should be depicted as “cross-border” at all since the border was not experienced as a separating force during this time.

On the contrary, the river that marks the border was (and still is to a certain extent) a place where villagers from both sides came together and met, e.g. while fishing, bathing and playing in the water. It was a connecting rather than a separating force. A CIA report of 1968 (CIA 1968)<sup>35</sup> confirms this situation along the Hueang River during the 1960s. It is unclear what sources the report is based on but it noted that: “The present boundary [border between Thailand and Laos] traverses rugged terrain inhabited by hill people who pay little attention to it. They commonly have family ties on both sides of the border. Some villagers are situated on one side of the border and have fields on the other. Villagers in Kene Thao (sic!), in southern Sayaboury, reportedly cross the Nam Hueang [Hueang River] to a well on the Thai side to obtain drinking water. The hill people in some sections of the Sayaboury border areas trade in Thai towns that are closer to them than Sayaboury, Paklay, or other towns on the Laos (sic!) side of the border” (1968: 69).

Indeed many Lao villages situated along the Thai border were better connected to Thai towns than to the larger Lao towns such as Vientiane or Luang Prabang. This inevitably resulted in more cross-border networks than domestic ones among the border population (e.g. Rigg 2005: 42f). But it was not only a matter of proximity that the population on the Lao side of the Hueang River was better connected to Thai towns. It was also due to the road infrastructure between Sayaboury’s border area and Mueang Loei that was until recently much better than between the border area and Luang Prabang, affecting not only the movement of people but also that of trading goods.

Although the Thai government had built a road connecting Ken Thao with Mueang Sayaboury already during the Second World War, the main means of transportation between Thailand and Laos in this area remained the Mekong River, with the route leading via Chiang Khan (50km east of my research area) and Paklay (50km north of my research area). The Thai border town of Chiang Khan was already an administrative centre in the 19<sup>th</sup> century and a viable alternative trade route between Bangkok and Laos (alternative to the trade route via Vientiane) (Hafner 1983: 65). In the 1970s Chiang Khan was a regional centre for cross-border trade, with its cotton mill mostly handling cotton from Laos and its sawmill handling much of the illegally cut timber from Laos (Hafner 1983: 68).

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<sup>35</sup> This document used to be labeled as ‘secret’ but is now available for download on the CIA’s website.

My research area was also used as a trade route for illegally cut timber from Laos and several sawmills were built on the Lao side<sup>36</sup>. With my research area connected to Chiang Khan via the Hueang River, furthermore, farmers were incited to produce cash crops for the Thai market, consisting of seed-cotton, flax, jute, and roselle (Laffort and Dufumier 2006). Cotton was the most important cash crop, however, with the French Textile Company in Loei providing credit and supplies. Laffort and Dufumier (2006) report that the production of unginned cotton in southern Sayaboury increased from 200 tons in 1966 to 2,000 tons in 1971.

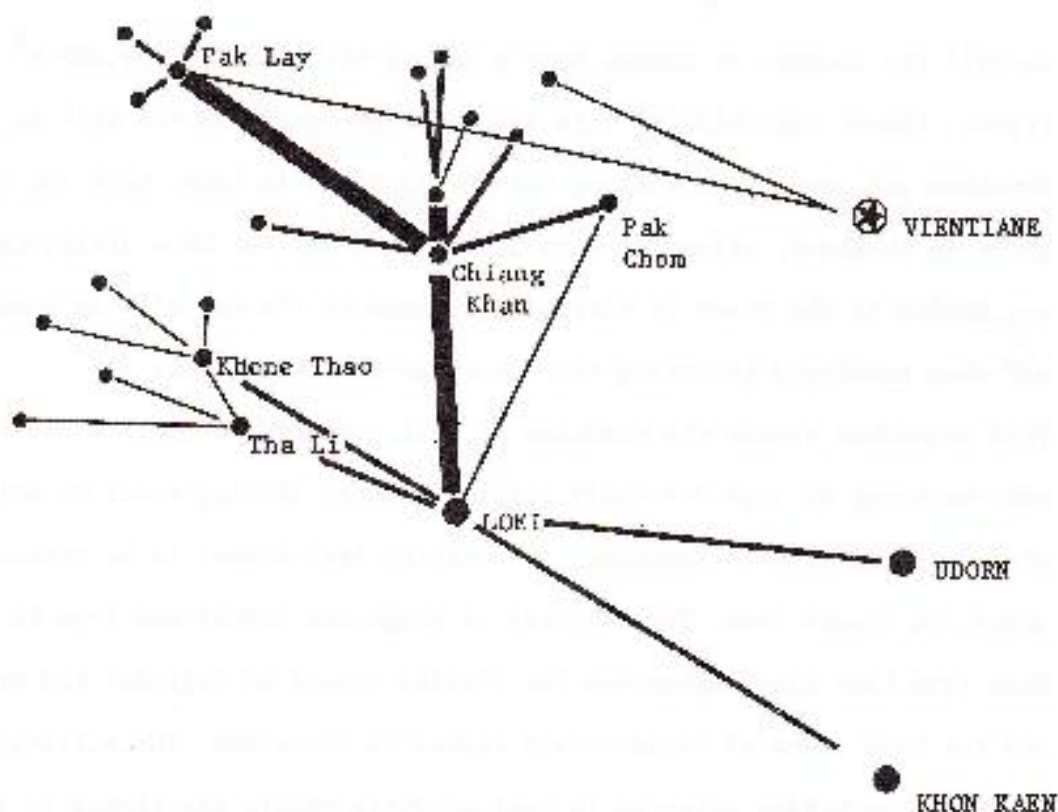
The construction of all-weather roads throughout Loei province in the 1960s by Thailand's Accelerated Rural Development (ARD) unit further facilitated trade across the Hueang River. In June 1969 a highway was completed that connected the border area with Mueang Loei (Lui 1973: 23). In Sayaboury province, a highway system replaced the Mekong River as a means of transportation only in the late 1990s. During my fieldwork, the highway from Ban Sawan to Mueang Sayaboury was still in progress (with several unfinished sections of unpaved road) and the bridge across the Mekong River that connects Sayaboury with Luang Prabang was only completed in 2013, just after the end of my fieldwork<sup>37</sup>. For the border population in southern Sayaboury it was therefore not only closer but also more convenient to travel to the Thai side than to Sayaboury or Luang Prabang.

By the 1960s much of the border population was engaged in small-scale trade and was regularly travelling to Mueang Loei by bus. As mentioned above, the local bus departed on the Lao side, drove through the Hueang River (during the dry season) to Mueang Loei and back. With regard to consumer goods, Hafner (1983) provides ample evidence of a structured market system and competitive trade practices in southern Sayaboury province, particularly with regard to its cross-border trade with Loei province. Drawing on several studies undertaken by the United Nations Mekong Committee and the offices of the United States Agency for International Development (USAID) between 1974 and 1976, Hafner remarks how the border population of Sayaboury province received most of their consumer goods directly from Mueang Loei rather than via Chiang Khan. The major trade route of many consumer goods from Vientiane via the Mekong River was secondary to this border population (Figure 8).

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<sup>36</sup> According to my interlocutors the sawmills were shut down in 1975.

<sup>37</sup> The bridge was financed by the Lao government and through a loan from the Republic of Korea (Lao News Agency 2013).



**Figure 8: Distribution networks for consumer goods marketed in the Paklay – Chiang Khan region in 1974-1975 (Hafner 1983: 70)**

These findings stand in contrast to the peasant economy based on subsistence ethics that was described by Scott (1976) as the dominant economic culture of Southeast Asia in the 1970s. The peasant economy is associated with reciprocity and the production of sufficient produce until the next harvest rather than on accumulation of surplus. While this may hold true for many of the villages situated in the highlands of Sayaboury province, it does not reflect the memories of the border population between Loei and Sayaboury province.

With the proximity and accessibility of the Lao borderland to the Thai market in mind, some of my interlocutors also remembered the local socio-economic development as equal on both sides of the border during the decades before 1975. A wood trader in Ban Plee explained for example: “Before the communists came, Ban Plee and the Lao village across the river were one village. [...] There were many shops on both sides.” Those who emphasised an equal development at the local level seemed to incorporate the Lao borderland into Thailand’s trajectory of socio-economic success rather than acknowledging the Lao side’s dependence on access to the Thai market. This would



change drastically with the communist takeover in 1975 and the reinforcement of the nation-state border by the Thai paramilitary.

## ON THE PERIPHERY OF CONTESTATION

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The objective of this chapter was to provide insight into how the nation-state border came into being before the communist takeover in Laos in 1975. By taking into account the different state and non-state actors that played a part in its becomings, the border area can be seen both as peripheral to the centres of state power but also as a centre of continued cross-border relations while there were contestations of state power in the surrounding areas.

Up until the 19<sup>th</sup> century when Southeast Asian polities were based on a centre-periphery logic. In these polities, borders existed in the sense of the *khetdaen*, which had multiple meanings and functions that were very different to the modern nation-state border. They were administered not by the centre but at the local level and were, for the most part, ways of controlling people and passageways rather than territory. Loei and Sayaboury were not only sparsely populated during this time but also situated on the peripheries of larger *mueang* such as Lan Xang, Ayutthaya, and later Siam. The local princes collected taxes but otherwise did little to interfere in the everyday life of the peasantry. According to the local histories mentioned in the beginning of this chapter, the villages in my research area were established in the mid- to late 19<sup>th</sup> century on the basis of the abundance of land. There is thus little evidence to suggest that the wars and displacements that characterised the surrounding Thai-Lao border area in 19<sup>th</sup> century had a major effect on the Hueang River area.

The transition of the Thai and Lao polities from a centre-periphery logic to a Westphalian nation-state model came in the form of gradual changes to the bureaucratic and administrative structures of the Siamese kingdom as well as in the form of artificially constructed national identities. These changes and national campaigns had already begun before the first border demarcation in 1893. Among other things, they included the introduction of a provincial system, the replacement of the *kin mueang*-style government with a centralised bureaucracy, and the standardisation of the Thai language that was promoted in schools. In my rurally located research area these changes were implemented later rather than sooner, with Loei only becoming a province in 1907 and state schools only established in the 1930s.

The same can be said for the mapping of the border between Loei and Sayaboury, as Thailand perceived (and still perceives) Sayaboury province to be part of a Greater Thailand and strived to regain control over it. Although the first border agreement between Siam and French Laos was signed in 1893, the border between Loei and Sayaboury did not appear on a map until 1904 when Siam was forced to cede Sayaboury (and Champassak in southern Laos). Unlike many other parts of the Thai-Lao border, however, the actual demarcation of the borderline in my research area was completed in 1923. In its pursuit to regain the territories Thailand had “lost” under the pressures of foreign powers, Thailand annexed Sayaboury for a brief period during the Second World War.

In the early 20<sup>th</sup> century, the border in my research area was a line on a map that marked the territorial division between Loei and Sayaboury and between Thailand and Laos. But its effect on the everyday life of people on the ground was only limited. During the civil war in Laos, the Thai-Lao border once again became a contested site with different actors such as the paramilitary and insurgent groups controlling different parts of the border. Although the CPT was active in Loei province and many Hmong supported the anti-communist forces in Sayaboury province, the war was not carried out anywhere near my research area. It was only after 1975 that the Hueang River was used as a viable escape route for many refugees and former government officials to Thailand.

From a centre-periphery perspective, it seems that Loei and Sayaboury were situated on the periphery not only of the *mueang* of the 19<sup>th</sup> century but also of the Thai and Lao nation-states of the 20<sup>th</sup> century. Hafner even describes Loei province as a typical “bypassed area”, which is due to its physical isolation, neglect by central administrations and planning authorities, and few incentives for developmental investment (1983: 65f). At the same time, I have demonstrated the various activities that have been conducted across the Hueang River, ranging from cross-border marriages, school runs, and a variety of trading activities. In fact, as state schools were established in Loei province, a highway network constructed, and access to the international market facilitated, the border population of southern Sayaboury became even more drawn to Loei than to the adjacent Lao areas.

When taking a closer look, it thus becomes clear how the border area along the Hueang River can also be seen as a centre of trade and social activities that attracted people and

goods from both sides of the river. Tucked away in the Loei valley, and situated along a tributary river to the great Mekong River, my research area can also be seen as a centre to which the displacements, wars, and state power were peripheral. According to the memories of my interlocutors, the nation-state border came into being as a place of connection and social activity that reinforced the bond between the people on either sides of the Hueang River. These memories exhibit an interesting reversal of the centre-periphery dichotomy that is similar to the argument made by Scott (2009) when claiming that the people of the Southeast Asian highlands actively resisted state power rather than being forced into the periphery by it.

The nostalgic memories of my interlocutors must, however, be seen in light of the changes that have happened since 1975, which I will present in the next chapter. They include the reinforcement of the border, an influx of refugees, insurgents, soldiers, and the paramilitary, and several changes to state regulation of the border since the opening of the Thai-Lao Friendship Bridge. According to Boym, nostalgia helps mend the breaks in history and also helps us cope with the changing pace of modernity: “[...] there is a global epidemic of nostalgia, an affective yearning for a community with a collective memory, a longing for continuity in a fragmented world. Nostalgia inevitably reappears as a defense mechanism in a time of accelerated rhythms of life and historical upheavals” (Boym 2007: 10).

While the memories of my interlocutors were certainly tainted by a longing for continuity, I suggest that the nostalgia around them was also used as a justification for the continuation of formal and informal, legal and illegal cross-border activities. As I will show in several of the chapters that follow, the conduct and toleration of such cross-border flows was validated by both state and non-state actors on the grounds of the historical bond, connection, and exchange of the people on either side of the Hueang River. As it becomes clear how important the historical context of the border is to understand the layers of meaning that make it what it is today and how it is used today, the next chapter will demonstrate the changing nature of the nation-state border from 1975 to the time of my research in 2011/2012.

## CHAPTER 2

### TRADING DESPITE AND BECAUSE OF THE BORDER

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#### IMPACTS AND EXPERIENCES OF CHANGING BORDER POLICIES

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This chapter highlights the different manifestations and effects of the border between 1975 and the start of my fieldwork in 2011. Similar to the preceding chapter, I investigate the historical becomings of the border but while the previous chapter drew primarily on historical documents, this chapter uses ethnography to highlight the impact of changing border policies through the lens of those involved in small-scale trade. The narratives of my interlocutors bring to light how different parts of the border population have been differently affected by state regulations and policies. They also draw attention to the strategies traders applied to adapt to the new policies. Overall, my findings reveal that trade, particularly the small-scale trade in daily necessities, has always been a continuum throughout different manifestations of the Thai-Lao border that include restrictions and facilitations of cross-border flows.

In this chapter, I focus particularly on three events that had a major effect on the border population between Loei and Sayaboury and its small-scale trading practices: The victory of the Pathet Lao in Laos in 1975, the opening of ports of toleration (*jud phon pron*) throughout the 1980s, and the construction of the Thai-Lao Friendship Bridge in 2004. In the wake of the communist takeover in Laos in 1975, Thailand issued an economic embargo against Laos. The Hueang River area became militarised and the borderline heavily patrolled. As my findings will demonstrate, however, the Thai-Lao border was not simply closed as many scholars often suggest (e.g. Ivarsson et al. 1995; Bochaton 2015). According to my interlocutors, the border was almost never completely impermeable. Their narratives reveal how several villagers continued to conduct trade during this time by resisting and/or bribing local authorities and how Thai and Lao border officials differed in their enforcement of the border. Due to these continued activities, the official re-opening of the Thai-Lao border in the 1989 was not experienced by my interlocutors as a re-opening as such but as a continued regulation of the border by the state.

Along the Hueang River, so-called ports of toleration (*jud phon pron*) were created throughout the 1980s, i.e. checkpoints that facilitated and regulated the movement of people and goods between Thai and Lao border villages. There was no re-establishment of pre-1975 conditions. In his own research along the Thai-Lao border in the early 1990s, in fact, Walker (2009: 101) found that Lao customs officials were now working harder than ever before. On the Thai side of the border, the checkpoints led to a boom as they allowed border markets to grow and local shops to flourish while the Lao border population became increasingly dependent on Thai border traders for access to daily necessities.

By the time the Thai-Lao Friendship Bridge opened in 2004, border residents in my research area had experienced a considerable change of border regulations and an influx of state institutions over the past two decades. After the Bridge opened, however, regulations changed again in that the Bridge became the official border-crossing site. Most ports of toleration were closed and border-crossers redirected to the Bridge where they could cross by car or shuttle taxi. As I will demonstrate, many Lao villagers and traders benefited from these new regulations while they had a largely negative impact on the Thai border population. I argue that the economic cooperation and market liberalisation that informs the opening of the Thai-Lao Friendship Bridge has not only created opportunities but has also had adverse effects on some parts of the Thai border population.

Such a differentiated view on market liberalisation has also been adopted by Kusakabe (2004) in her article on women weavers and sticky rice box producers in the Thai-Lao borderland. Kusakabe shows how policies of liberalisation have created more obstacles for women than facilitations to advance their production. The co-presence and interrelation of securitisation and transnationalism along the border can lead to friction and contradictory processes of bordering (Tsing 2005; Walker 1999; Green 2010; Reeves 2014). These are often ignored by scholars who focus on processes of globalisation. Appadurai, for example, has explored processes of deterritorialisation, coining the terms “ethnoscapes”, “financescapes”, and “mediascapes” – irregular landscapes that create new imagined worlds. Such processes, he suggests, require a “reterritorialization within a new civic order, whose ideology of ethnic coherence and citizenship rights they are bound to disturb” (Appadurai 1996: 56).

By examining cross-border ties that supersede rigid borders, the literature on transnationalism has tried to overcome the assumption that the isomorphism of nation, state and society is the natural political form. Some have even proclaimed the demise of the nation-state (see for example Soysal 1994; Ohmae 1995). By focussing on the way borders are transgressed and become increasingly meaningless in a “borderless world”, such studies, however, tend to neglect the effects that borders continue to have alongside processes of globalisation and market liberalisation (Wimmer and Glick Schiller 2002). As I will demonstrate in this chapter, the border has not only changed in the way it has come into being but also in the effects it has had for different people. Since the opening of the Bridge, small-scale trading practices have become more variegated and diffuse with the different types of traders and trade routes that are used.

### **“YOU CANNOT SIMPLY CLOSE THE BORDER!”**

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Already before the victory of the Pathet Lao in December 1975, Thai-Lao relations deteriorated to the extent that the Thai government placed an economic embargo on Laos by banning 273 “strategic items” from being exported to Laos (Pheuphanh 1990: 163). After the communist victory, Thailand not only continued its embargo but also accommodated and trained Lao reactionaries who defected to the Thai side (Stuart-Fox 1997). In doing so, the Thai side of the border became an ideological boundary that was highly regulated and that restricted movement to those with the “right” political views.

On the ground, this meant an increased military and state presence along the border. According to a group of elderly border residents: “There were both Lao and Thai soldiers here during the revolution [the communist takeover in Laos]. The Thai soldiers would stay by the river and watch. They made sure that no one crosses the border anymore.” In addition to the already existing Border Defense Volunteers (*Or Sor*), the military was also deployed to the border during this time. Mayoury (1994) suggests that the decision to “close” the border with Laos in this way was a decision made by the Thai military in order to maintain its supremacy in domestic politics. The Thai military was dominating the government since shortly after the Second World War but after the student uprising of 1973 it was struggling to regain its power. From this perspective, the Thai-Lao border was not only an ideological boundary and an “economic and political weapon” (Rigg 1998: 168) against Laos, but also a tool for domestic power plays.

With Laos' new regime in place, thousands of members of the old regime were dispatched to re-education camps, or so-called "seminars" (Evans 1998: 6). For many of these former state officials, insurgents, as well as for Lao intellectuals, the Hueang River turned into a viable escape route. According to the headman of Ban Sing, about 3-400 refugees fled to his small border village alone. Most of them had relatives on the Thai side whom they could stay with temporarily. They then continued their journey to the refugee camp in Ban Vinai in the north of Loei province where most of them were resettled in third countries such as USA, Canada, and France<sup>38</sup>. Instead of fleeing to the refugee camp across the border, some former government officials and soldiers also formed resistance groups and continued to fight the Lao government from the Thai side (see also High 2009: 88). Several of my interlocutors remembered the Lao *ku xat*, a collective name for a number of resistance groups established by Lao refugees after 1975. These groups operated on a small-scale basis, launching hit-and-run attacks from the Thai side as well as armed propaganda (Stuart-Fox 2004). Several village headmen clearly positioned themselves in favour of these resistance groups and one of them explained the deceitfulness of the new Lao government towards these groups: "Back then, we were helping those persons [the Lao *ku xat*] but some of them were lured to cross back over. They [LPRP] said it's going to be fine when they cross back over, that they could come back to see their family. And when they returned they arrested them and put them into jail until death."

Another village headman said: "There was also a Thai man and he was a spy...his code was '33'. He worked together with the Lao *ku xat*. He met a Lao woman by the time he was already old, 60 or 70 years old, and not working as a spy anymore. When he and his girlfriend went to Laos, he was caught. I never saw him again since then. He got thrown away somewhere. We can't find him." The headman's accounts demonstrate how the border in my research area became a line of safety for anti-communist defectors from Laos. For the Thai border population, these experiences and anecdotes created an image of the new Lao regime as unruly and deceitful. The distrust and fear of the Lao government contributed a layer of separation at the nation-state level to the becoming of the border in my research area. In fact, both Thai and Lao interlocutors distinguished between the Lao government on the one hand and local authorities on the other,

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<sup>38</sup> By 1986, the Ban Vinai refugee camp was accommodating 45,000 people, of which 43,000 belonged to the ethnic minority of the Hmong who had lived in the highlands of Sayaboury province and supported the US during the civil war (Long 1993).

attributing distrust and deceitfulness to the Lao government rather than to the local authorities whom they often knew well (Chapter 4). The owner of a small business in a Thai border village, for example, emphasised China's influence on the new Lao government and clearly stated: "The Red Chinese are not the same as Lao policemen"<sup>39</sup>. Such a distinction between the national and local level of the state highlights the multi-layered meanings of the nation-state border and the practices of the people who live along it. At the national level, the border became a separation line between the different ideologies and policies of the Thai and Lao governments while at the local level, the border population's everyday activities that were regulated by local authorities continued to exist to a certain extent. In fact, Lao authorities had a personal interest in gaining access to Thai goods for their own survival and therefore contributed to the flourishing of the clandestine trade in daily necessities during this time.

In the context of Thai-Lao hostility and ideological conflict, restrictions on cross-border trade were implemented unilaterally by the Thai state. With 80% of Laos' trade passing through Thailand in 1975, the restrictions were used as an economic and political weapon against the new Lao regime. However, while the export of "strategic" items was banned along the entire Thai-Lao border until 1989, restrictions on other kinds of cross-border flows varied over time and 20% of Lao trade was still passing through Thailand (Rigg 1995: 158). In fact, the complete "closure" of the border was actually an anomaly. Rigg reports that between 1975 and 1989 the border was "closed" on only four occasions, each following a border incident such as shelling or direct encounters between Thai and Lao soldiers (1995: 159). While Rigg makes reference to the "closure" of the Thai-Lao border as a whole, I further suggest that the complete restriction of cross-border movement during these periods was differently enforced along different parts of the 1,700km long Thai-Lao border. Where Rigg, for example, states that the periods of closure lasted for approximately one month, my interlocutors remembered such periods to last between four days and one month in my research area. "The border was open or closed depending on Thai-Lao relations. It was open, closed, open, closed... When there was fighting in the area the border was usually closed", one of the village headmen explained<sup>40</sup>.

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<sup>39</sup> Historically, it was not the Red Chinese that took over Laos but the Communist party of Laos (the Pathet Lao), which was nevertheless influenced by the Communists in China (Hamilton-Merritt 1993).

<sup>40</sup> Many of my interlocutors specifically remembered the border war between December 1987 and February 1988, which was carried out in the area of Ban Rom Klao, located in today's Phitsanulok



In his own study on a Thai border town along the Mekong River, Walker found only one short period of prohibited cross-border movement in the late 1970s during which border-crossers were shot by Thai border guards (Walker 1999: 58, 2009: 110). In Walker's study, the border-crossers who were shot were traders who delivered goods across the border for retail purposes. None of my interlocutors had memories of people being shot while crossing the river during the "closed" periods. But they did remember being threatened by Thai authorities. Phor Phapep, a Lao trader at the central market in Ban Sawan, for example, remembered: "The Lao officers didn't have a problem with cross-border trade. It was the Thais who weren't happy about it. They would sometimes shout at us: 'You are not allowed to do that! You are not allowed to cross over!' These were the soldiers who said this. So we would have to watch out for the soldiers and if there were none of them there, then we would quickly rush across the river [laughing]. We had to sneak over somewhere (*lobkanthi*) [laughing]. It was a lot of fun! We used a boat to cross over with all the goods." Traders thus found ways of evading state authorities.

At the same time, the Lao side's limited access to Thai goods and the dangers of smuggling "strategic items", which included sugar and sewing needles (Pheuiphanh 1985: 1257), meant that the small-scale trade of daily necessities became a lucrative business for the Thai traders who engaged in it. A border resident who was an *Or Sor* during that time explained to me that Thai traders would buy something in Mueang Loei for 5 baht and sell it to Lao traders for 20 baht, making a profit of 300%. A female trader who sold blankets at one of the border markets during the time of my research, furthermore, said she was only selling daily necessities to Lao traders during the 1970s because it was very profitable. Her strategy of evading border authorities was to exchange goods with her customers in the Hueang River. They would bathe or swim in the river at the same time and when meeting each other she would provide her counterpart with the goods they ordered. With Lao villagers being cash-strapped during this time, she often received gold instead of money in exchange for the goods.

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province. The conflict was based on the different interpretation of the treaty of 1907 by the Thai and Lao governments, which left the demarcation of the borderline between Sayaboury province and the adjoining Thai provinces unclear. Fighting only broke out however, after a Thai logging company stopped bribing the Lao militia in favour of the Thai paramilitary (Stuart-Fox 1989; Wijeyewardene 1990). My interlocutors remembered soldiers passing through the area and hearing the sounds of gunshots and bombs in the far distance. They emphasised that there was never any fighting in my research area though.

When traders did encounter Thai authorities, the outcome varied according to the individual state actor and the types and amount of goods traded. The former *Or Sor* in my research area, for example, recalled intercepting many traders when crossing the border: “If we caught them then they couldn’t make any money because we would seize all their goods. They had to pay a fine as well. The situation was like this for many years”. But not all encounters ended like this. An argument I heard several times from both state and non-state actors on the Thai side was that if cross-border trade discontinued, the population on the Lao side (including the Thai population’s kin) would have nothing to eat and die, so trade had to continue to some extent. As described in the last chapter, the population in southern Sayaboury and Loei had established strong kinship relations and trading networks with each other. The Lao side was dependent on the direct link to the Thai side across the Hueang River for access to consumer goods and daily necessities.

The argument that trade had to continue on humanitarian grounds was most strongly emphasised by a former *Or Sor* who, during my fieldwork, was regularly transporting people and goods across an unmarked border-crossing site near Ban Donmai. When asked whether the border was actually closed after 1975 he exclaimed: “You cannot simply close the border, Sarah! You have to smuggle (*laklob*) goods across the border then. If you don’t smuggle goods across the border then they [Lao villagers] have nothing to eat.” When recalling this time, the *Or Sor* expressed the moral dilemma of performing his duties as a border guard while at the same time empathising with the cross-border activities of the border population he himself was embedded in. He thus justified his personal strategy of patrolling the border as follows: “They are all relatives on both sides of the border so you can’t be so strict. But sometimes you had to catch people; you can’t just let everyone go.” He would arrest drug smugglers as well as traders with large amounts of fresh foods such as chicken, pork and corn. With regard to other daily necessities he only arrested those who had more goods than they could carry themselves: “If you had too many goods then you had to smuggle them across in secret places. But you could also just go across three times to get all the stuff across. No problem! If you wanted to smuggle things across you just had to watch out for the authorities and then go across when they weren’t there.”

It thus becomes clear how at the local level, the implementation of the Thai government’s policies to restrict cross-border flows not only varied but was also

influenced by the authorities' embeddedness in the local border community. The border thus became an ideological boundary between the territories of the Thai and Lao governments, which resulted in the militarisation of the border area and increased regulations on cross-border movement. From the perspective of trade, the border became a barrier for many traders and an opportunity for smuggling practices with high profit margins.

## **THE GOLDEN AGE OF SMALL-SCALE TRADE**

In the early 1980s, it was clear that Laos' brand of economic socialism had failed to provide an improvement in economic conditions in the country (Joiner 1988: 55). Many Lao residents had already fled communist hardship and migrated to Thailand (see also Bounlonh 2006). As economic failure was threatening political stability, the Lao People's Revolutionary Party (LPRP) was forced to make adjustments: it abandoned central planning and increased administrative and financial autonomy at the subnational level. Meanwhile, the provincial chambers of commerce were lobbying the Thai government to resolve border trade issues with Laos (Walker 1999: 70). In my research area, the provinces of Sayaboury and Loei cooperated with each other to establish so-called ports of toleration. They were usually established where a Thai and Lao village were situated directly across from each other and where border residents had close social relations with each other. As temporary border checkpoints, they facilitated trade and the Lao border population's access to daily necessities. They also enabled the establishment of border markets on the Thai side (Walker 1999: 70). The first "port of toleration" in my research area opened in 1982 in Ban Sing. During my fieldwork, a supervisor within the Thai paramilitary remembered the opening in detail: "Before the checkpoint opened, there were lots of people crossing over here already. Since there was an apparent wish and need for the people on either side of the border to cross over the river, the border authorities and district governments of each side of the border had a meeting and decided that a *jud phon pron* (port of toleration) should be opened here." A few years later, further ports of toleration were established in Ban Plee and other places along the river.

With the fall of the Soviet Union and the breakdown of the Council for Mutual Economic Assistance (Comecon) in 1991, Laos was forced to look to the West for financial aid. It introduced the *chin thanakan mai* (New Economic Mechanism), which

would open up its economy to the world market (Stuart-Fox 2002: 198; for a table of economic reform landmarks between 1975 and 2003, see Rigg 2005: 21-22). This reorientation resulted in improved relations with Thailand where the bureaucratic-military rule changed to a more open politics. Economic expansion in Thailand coincided with the increased influence of powerful businessmen in Bangkok, and in 1988, the tycoon Chatichai Choonhavan became prime minister. He sought to take Indochina “from a battlefield to a marketplace” (Rigg 1998: 170). Thailand lifted its ban on “strategic items” in 1989 and a few years later in 1994, the rapprochement between Thailand and Lao was symbolised by the first Thai-Lao Friendship Bridge between Nong Khai and Vientiane.

Improved Thai-Lao relations and relaxed trading conditions also affected my research area. In 1993 a permanent checkpoint (*dan thawon*) was installed in a Thai border village near my main research sites (Sompoad and Varavudh 1994: 15). Customs and immigration offices were established on either side of the checkpoint and it soon became the main port for large-scale trade in timber, agricultural products and construction materials. There was no bridge across this part of the river but lorries and cars could float across on a big wooden raft and drive through the riverbed during the dry season (Image 3). Villagers made money by transporting people across the river in their own wooden boats. A private car pool was set up by Thai villagers who made additional money by driving Lao villagers to Mueang Loei.



**Image 3: Car raft at international trade post (Thali Customs Office 2011a)**

While the international trade post was used for large-scale trade, daily necessities were traded across the ports of toleration in the villages of Ban Sing and Ban Plee, which flourished. Thai traders established border markets, opened shops and restaurants to supply Lao traders and customers. According to a member of the *Or Sor*, about 1,000 to 2,000 people crossed over one checkpoint on border market days in the 1990s. He estimated that 99% of the people who crossed over the checkpoint came from the Lao side while usually only about ten people from the Thai border village went to the Lao side. A shop owner at one of the checkpoints said that she could sell goods worth up to 10,000 baht per day on such border market days.

Unlike the situation at today's customary border checkpoints, border-crossers did not have to pay any money for crossing over the ports of toleration at that time. When explaining this to me, the *Or Sor* added: "But you weren't allowed to cross over anywhere else either." Cross-border movement was thus restricted to the ports of toleration, which were open only on border market days (two days per month)<sup>41</sup> and usually from 8am to 4pm. On all other days throughout the month the local Border Defence Volunteers of the *Or Sor* as well as the Thai paramilitary border guards of the *thahan phran* (Rangers) attended the checkpoint and patrolled the other parts of the river. While the port of toleration was officially "closed" on most days throughout the month, local villagers were permitted to use it on a daily basis to visit each other. Lao villagers also used it to seek medical care, and buy daily necessities in the shops along the checkpoint.

While there were no permanent customs offices in Ban Sing or Ban Plee, Thai customs officers monitored the situation at the ports of toleration on border market days. There was no limit to the amount of goods that could be taken across as a village headman explained to me: "People could just trade across as many goods as they wanted. There was no other way they would have been able to trade." Lao customs officials, on the other hand, attended the ports of toleration on a daily basis. My interlocutors remembered that the Lao customs officer would check all border-crossers' goods and issue an import tax based on the amount of imported goods. Maintaining a good social relationship with these officers was beneficial however. A local Lao trader remembered: "You didn't have to pay as much to Lao customs officers if you knew them. Just like at

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<sup>41</sup> The schedule of the border markets rotated according to the lunar calendar so that each border market was open twice a month.

the Bridge today.” As I will demonstrate in Chapters 5 and 6, social relationships were still an important factor in the regulation of cross-border movements during the time of my fieldwork<sup>42</sup>.

Daily necessities were also traded outside the ports of toleration across unmarked border-crossing sites. According to a Thai Ranger, it was not difficult to send goods across the border outside the checkpoints because there were only few border guards along this part of the river. Border residents visited each other, transported consumer products across the river in places that were closer to their shops and homes and where they could avoid paying an import tax to the Lao officials. They had only to watch out or negotiate with the local border officials who would seize their goods when caught. Phor Phapep, a Lao trader in a Lao border village, for example, had already established a close trading relationship with the mother of one of the current shophouse owners in Ban Sing during the 1990s. In order to evade the tax imposed by Lao customs officers, he would either pick up the goods himself or pay a boat operator to transport the goods across the river at night. In both cases, he used the word *laklob* (smuggling) to describe the process. But he also mentioned that he paid the boat operators to bribe the Thai Rangers: “We were scared but we also cleared (*khlia*) it with the guards on the Thai side first. The workers there cleared it for us. The workers were associated with the guards and they paid for us. If you weren’t associated with the guards then you couldn’t give them any money.”

The association between boat operators in Ban Sing and local Thai authorities in the 1990s is somewhat similar to Walker’s (1999) findings along the Mekong River where boat operators made financial contributions to the “merit-making rituals” of local customs authorities in order to facilitate cross-border trading practices. Walker described this process as “collaborative regulation” (1999: 69) because it was beneficial to both sides of the transaction. The process of “clearing” described by Phor Phapep, however, must be seen in the context of evading Lao import taxes. In “clearing” their strategy of evasion with the Thai Rangers, the traders collaborated with authorities on one side of the border in order to subvert the authorities on the other side. It would therefore be better considered in a framework of resistance (Scott 1985; Bruns and Miggelbrink 2012) than regulation.

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<sup>42</sup> When comparing the tax situation of the ports of toleration with that of the Bridge today, the amount of tax at the former checkpoints was much lower.

While I will come back to this discussion in Chapter 6 when analysing interactions between state and non-state actors in the context of trade during the time of my research, the point here is that trading practices across unmarked border-crossings continued during the 1990s by way of a variety of strategies. Trade across unmarked border-crossing sites included not only daily necessities but also cars, motorbikes, teak, agricultural products such as rice and corn, as well as drugs. In fact, one of the villages in my research location became particularly famous for its involvement in the illegal drug trade during the 1990s (The Nation 2004). While the trade in marihuana had been ongoing already for several decades, the most prominent drug traded across this part of the border in the 1990s became *yaba*, an amphetamine-type stimulant (ATS) used as a recreational drug. *Yaba* pills were produced in Burma and Laos and then shipped to Thailand via Ban Donmai (Chouvy and Meisssonier 2004).

During this time the local economy on the Thai side was growing fast while people on the Lao side were looking for opportunities to make money and increase their own purchasing power. One of my interlocutors in Ban Donmai justified the trade by explaining: “They didn’t have anything on the Lao side back then, no shops, no [paved] streets, no cars, no motorcycles, nothing.” Not everyone was involved in the drug trade in the same way. An in-depth study conducted by Chouvy and Meisssonier (2004) states that influential villagers with military and political links were able to make authorities turn a blind eye to this kind of trade. This was also the case in my research area. According to my interlocutors, the wealthiest families in the (Thai and Lao) border villages not only had (and still have) the strongest links to politicians but are still reaping the benefits from the drug trade today.

In 2003, however, the infamous former prime minister of Thailand Thaksin Shinawatra launched a “war on drugs”, which resulted in the seizure of forty million methamphetamine tablets, jailing 92,500 drug addicts, 43,000 dealers, and 750 drug producers and importers. At least 2,500 people were killed during the anti-drug campaign – some of them mere ordinary users (Chouvy and Meisssonier 2004). Many villagers in my research area remembered the Thai police raiding their homes during the three-month campaign. Even the elderly were searched and in one prominent case, authorities found drugs hidden inside small decorative ornaments in an elderly woman’s home. The elderly woman was killed in the raid. Although the trafficking of drugs in my research area declined after the crackdown, it continues to exist alongside the

smuggling of other illicit goods such as cars, motorcycles, rice, and timber (see further Chapter 6).

The village of Ban Donmai was different to the other villages in my research area in that it was the only village where a port of toleration was not installed<sup>43</sup>. The nearest port was several kilometres away. Ban Donmai never experienced the amount of border-crossers that attended the border markets in Ban Plee and Ban Sing, despite the fact that border villagers could engage with each other more easily from the 1980s. Several shops and restaurants opened in these villages in addition to the regular border markets. The new shops along the checkpoints sold individual goods to customers and goods in bulk to traders, thereby becoming the main suppliers of daily necessities for the Lao side. One of the Lao traders in Ban Sawan remembered: “The shops in Ban Sing would buy goods in Mueang Loei and send the goods across to Ban Sing just like today, but in much bigger amounts.” The same trader also felt that during that time, Ban Sing “was much more developed than nowadays (*jaloenkwa*).”

These developments prompted the biggest supplier of Thai products in Mueang Loei, Khubun Supercentre Ltd., to change its strategy<sup>44</sup>. Instead of functioning merely as a retailer and wholesaler the company also started delivering wholesale goods to shops in the border areas, thereby functioning as a distributor (*khai song*) as well. Shops could expect to receive a delivery once a week, during which the shop owner could place new orders for the following week. Khubun also provided credits to trusted long-term customers, which included the three shop owners who were still based in Ban Sing during the time of my research. In the 1990s the delivery of daily necessities to shops along the ports of toleration facilitated the cross-border trade of daily necessities. It also allowed those Thai traders who did not own pick-up trucks to obtain and stock wholesale goods as well. Instead of having to drive to the provincial capital to retrieve goods, the goods were now coming to them. The Thai border area had become a centre of trade that attracted a variety of actors from different locations.

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<sup>43</sup> The customary border checkpoint there only opened in 2005.

<sup>44</sup> Khubun prides itself with the fact that it only sells goods that have been manufactured in Thailand. Chinese or Vietnamese goods are not part of its range. According to the owner of Khubun Supercentre Ltd., “this is because we want to be sure about the good quality of our products. Those products that have been produced in Thailand have a quality guarantee since they have been inspected by the relevant governmental organization.” The owner believed that this kind of quality control increased customer loyalty.



To an extent, the Lao border area also became a centre of trade during this time. Lao retailers who bought their goods from Thai border traders increased the price of goods in order to make a profit themselves. This led most people living in close proximity to the border to shop at the border markets and shops on the Thai side rather than buying from Lao retailers. In this context, Lao retailers soon started stocking wholesale goods in the back of their shops and started taking orders from traders further inside Sayaboury province. Selling in bulk allowed them to reduce the price to a level similar to the Thai side. Traders from further inside Sayaboury province could place orders and pick up their goods during their next visit to the border area without actually having to cross the border themselves. The mobile phone became a crucial part of the trading business during this time. As Lao border traders in Ken Thao district became wealthier and were able to afford a car, they also started delivering goods to the retail shops in the surrounding area.

Both sides of the border benefited from the relaxed restrictions along the border and the different kinds of checkpoints that were established in the 1980s and 1990s. For Ban Plee, Ban Sing, Ban Thong (and to a lesser extent Ban Donmai), the two decades before the opening of the Thai-Lao Friendship Bridge in 2004 could be described as a golden age of trade. Despite the rapprochement and increased cooperation between Thailand and Laos, border regulations did not return to their pre-1975 status. Restrictions on trade continued to affect the border population and their cross-border activities in a variety of ways. This confirms what Walker noted in his own study, namely that “liberalisation does not necessarily amount to deregulation” (Walker 1999: 69). From a state perspective, the ports of toleration in my research area can be seen as measures of economic liberalisation as they opened up opportunities for migration and trade after Thailand’s economic embargo. From a border resident’s point of view however, the state continued to intervene in the regulation of trade and limited the movement of people and goods across the border.

With the opening of the Thai-Lao Friendship Bridge in 2004, however, this situation changed again. The ports of toleration were downgraded to customary border checkpoints and the permanent checkpoint in Ban Thong was shut down completely. Upon the closure of the checkpoint in Ban Thong, the boat operators and car pool drivers who had profited from the traffic in people had to find other opportunities to

make money<sup>45</sup>. Some were pleased about the closure of the checkpoint though. Situated right next to the local school the checkpoint had created a lot of pollution and noise. Many of the teachers in Ban Thong School were therefore relieved when the lorries were directed to the Thai-Lao Friendship Bridge from 2004. During the time of my research, the checkpoint in Ban Thong looked nothing like a busy port for cross-border trade anymore. While the riverbank was overgrown with bushes and trees, the abandoned customs office and brittle road barrier were the only remnants of the state-led regulation of a once busy trading post. All large-scale trade was now conducted via the Thai-Lao Friendship Bridge, the effects of which I will explore in the next section.

## **THE THAI-LAO FRIENDSHIP BRIDGE AND ITS EFFECTS**

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The construction of a bridge across the Hueang River had already been proposed in 1993 but due to a lack of funding it only became a reality in 2004 (The Nation 2003). Efforts to move the construction of bridge forward became stronger after the declaration of representatives of the governments of Thailand, Laos, Cambodia and Burma at the first Ayeyawady – Chao Phraya – Mekong Economic Cooperation Strategy (ACMECS) summit in 2003. The strategy aimed at creating an area of prosperity, peace, and stability by developing border areas and creating border economic zones (Tsuneishi 2008: 15). Construction on the bridge in Thali began in 2003 and the bridge opened on 28 October 2004 with the attendance of Thailand's Minister of Foreign Affairs, Dr. Surakiart Sathirathai, and his counterpart from Laos, Mr. Somsavat Lengsavad, Deputy Prime Minister and Minister of Foreign Affairs of the Lao People's Democratic Republic. As part of the ceremony, the two ministers also signed the Agreement between Thailand and Lao PDR on the Exemption of Visa Requirements for Ordinary Passport Holders and the Letter of Exchange on the Opening of Border Point of Entry (Thai Ministry of Foreign Affairs 2004).

In terms of migration and trade, the opening of the Thai-Lao Friendship Bridge meant that all cross-border trade was now required to be conducted at the Bridge rather than at the permanent checkpoint and ports of toleration along the river. The permanent trading post in Ban Thong was closed and the customs and immigration offices relocated to the Bridge. The other checkpoints were transformed into *dan prapheni*, so-called customary

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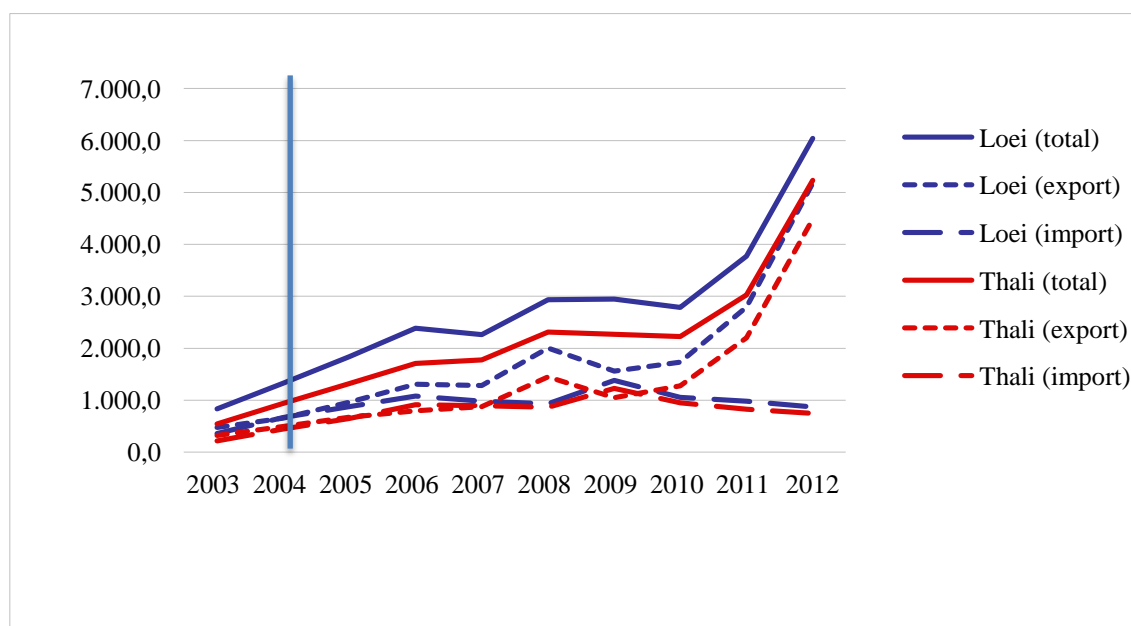
<sup>45</sup> Among them was an elderly woman called Noi. She was able to use the contacts she had established with Lao sawmill owners and other businesses in Laos to become a middlewoman for Lao timber. Through her I gained access to several interlocutors in Lao villages and towns during my fieldwork.

border checkpoints, which allowed the residents of adjoining Thai and Lao border villages to continue visiting and engaging with each other. They also provided a gateway to the regular border markets that continued to take place in the Thai border villages where the checkpoints were situated (see further Chapters 5 and 6). This meant, however, that legal cross-border movement outside the Thai-Lao Friendship Bridge was restricted to the border villages in the immediate vicinity of the customary border checkpoints. Upon the announcement of the new border policies, authorities in Thai border villages informed their residents about the new regulations via loudspeakers in the village<sup>46</sup>. In Laos, customs officers personally visited the local shops to convey the message. At the ports of toleration, border-crossers and traders were redirected to the Bridge by the local border guards.

From a state perspective, the enforcement of the new regulations was largely successful. Most cross-border trading practices shifted to the Bridge and with Thailand's economic growth the overall trade volume between Loei and Sayaboury gradually increased. Where in 2003 the total volume of trade between Loei province and Laos (via Ban Thong and Chiang Khan) was worth just over 800 million baht, this had increased to over 6 billion baht by 2012 (now via Ban Plee and Chiang Khan). As Figure 9 demonstrates, the majority of Loei's trade was conducted via the Thai-Lao Friendship Bridge in Ban Plee (Bank of Thailand 2015).

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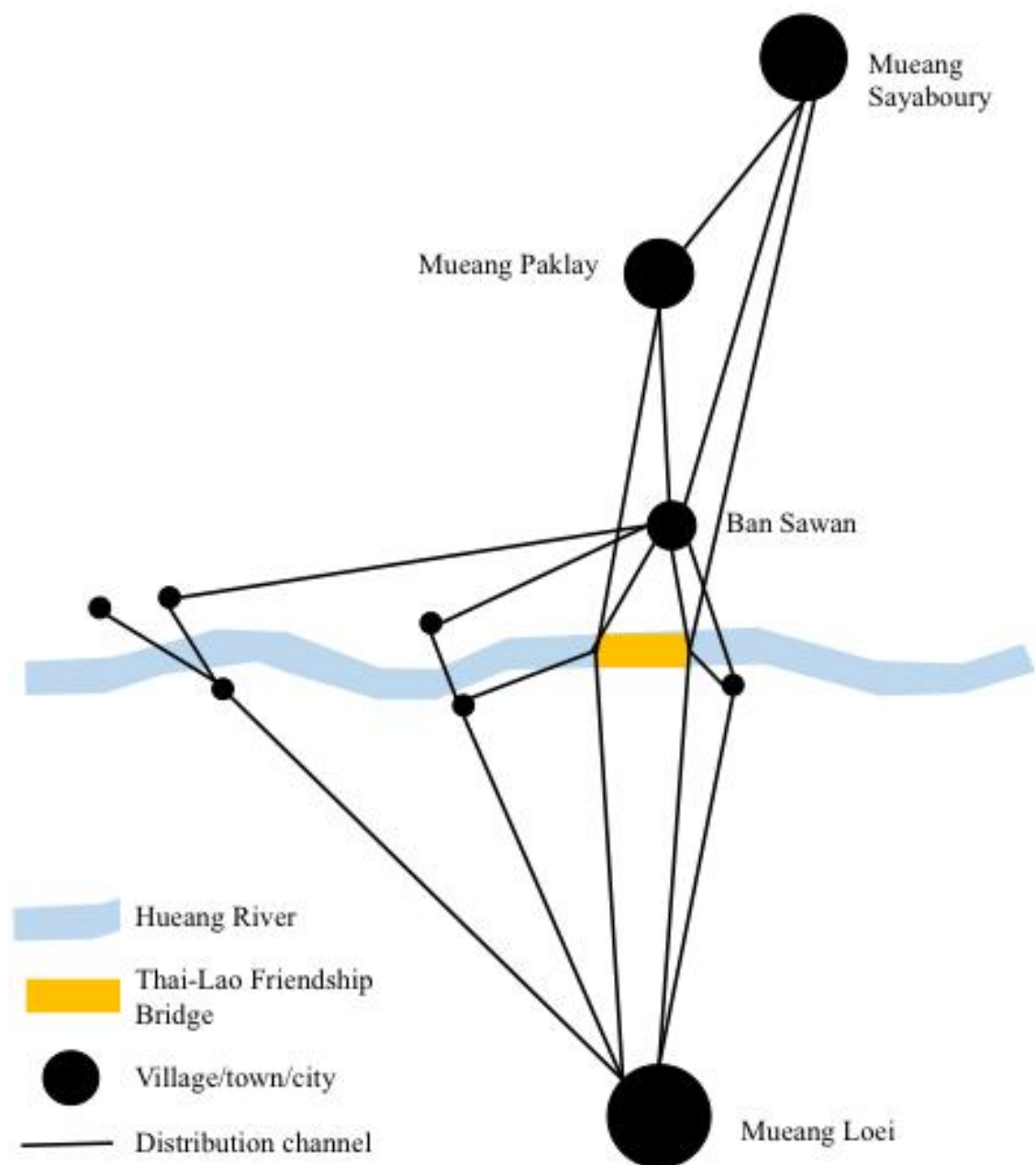
<sup>46</sup> Most of the Thai villages I visited during my research had loudspeakers installed along the main roads of the village. The village headman made announcements on most mornings to inform the villagers of any new regulations and upcoming events (also see Chapter 4).



**Figure 9: Loei province's overall imports/exports with Laos<sup>47</sup> and Thali district's imports/exports with Laos, measured in million baht (Bank of Thailand 2015, table created by author)**

As a consequence, the number of border-crossers across the former ports of toleration decreased drastically. Where once thousands of Lao villagers and traders crossed the border on a regular basis, there were now merely a few hundred left during the time of my field research (even when combining the numbers at all three checkpoints). On non-border market days, numbers could be as low as a few dozen. Instead, many border-crossers and traders crossed over the Thai-Lao Friendship Bridge. During the time of my research, several thousand Lao villagers and traders were crossing the Thai-Lao Friendship Bridge in order to attend the weekly border market next to the Thai-Lao Friendship Bridge. Since it is not permitted to walk across the Bridge, many border-crossers used the *samlo* (three-wheeler car) services of local villagers from Ban Plee and Ban Sawan to cross the Bridge. Other Lao traders, particularly the middlewomen from towns inside Sayaboury province, drove across the Bridge in their own pick-up truck (Figure 10). In the year of my research between 2011 and 2012, daily necessities were among the top ten export items channelled via the Bridge (Figure 11).

<sup>47</sup> The statistics on Loei's overall trade with Laos also includes trade conducted via Chiang Khan.



**Figure 10: Networks for the trade of daily necessities between Loei and Sayaboury 2011/2012**

Export items Thali-Ken Thao districts October 2011 – July 2012 (ranked according to export value)										
Rank	Oct 2011	Nov 2011	Dec 2011	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	July 2012
#1	Construction materials	Road grader	Construction materials	Construction materials	Diesel	Diesel	Construction materials	NA	Construction materials	Construction materials
#2	Diesel	Construction materials	Diesel	Diesel	Construction materials	Construction materials	Tractors	NA	Diesel	Trucks
#3	Car spare parts	Diesel	Tractors	Tractors	Tractors	Tractors	Digger	NA	Daily necessities	Diesel
#4	Daily necessities	Tractors	Daily necessities	Digger	Trucks	Cement	Diesel	NA	Trucks	Car spare parts
#5	Benzin	Tractor spare parts	Tractor spare parts	Front-end loader	Tractor spare parts	Daily necessities	Corn seeds	NA	Car spare parts	Daily necessities
#6	Cement	Tires	Crane	Modular homes	Daily necessities	Trucks	Modular homes	NA	Diggers	Cement
#7	Cars	Daily necessities	Cement	Daily necessities	Cement	Bulldozer	Daily necessities	NA	Cement	Motors
#8	Tractors	Benzin	Benzin	Cement	Cars	Car spare parts	Cement	NA	Benzin	Electrical appliances
#9	Asphalt	Trucks	Asphalt	Tractor spare parts	Asphalt	Modular homes	Trucks	NA	Jack hammers	Tractors
#10	Rice mills	Asphalt	Modular homes	Cars	Benzin	Cars	Car spare parts	NA	Modular homes	Benzin

**Figure 11: Export items from Loei to Sayaboury province via the Thai-Lao Friendship Bridge from October 2011 to July 2012 (Thali Customs Office 2011b, 2012; table created by author)**

As part of the new state regulations, the border market that traders had established next to the port of toleration in Ban Plee was relocated to the area next to the Thai-Lao Friendship Bridge. Border market traders were thus forced to move their stalls. When the border market was still next to the port of toleration, visitors at the market would pass by the shops next to the checkpoint and buy goods in the shops as well as at the market. One of the shop owners was reminiscent of this time: “When the border market wasn’t at the Bridge yet, business was good. On some days I sold goods worth 10,000 baht. Now we have go all the way over there to sell things... And I have pay 3,000 baht per year for the stall. Before I didn’t have to pay anything because I just sold things at my shop!”

In fact, when it was first decided by local officials that the market should be moved to the Bridge, the market traders protested (*doen khabuan*). They were afraid that once the market was moved to the Bridge, it would later be closed down as the administrative buildings at the Bridge expanded and needed the space. According to my informants, the traders gave the local officials money and gifts to persuade them to let the traders stay in their current location next to the checkpoint. At first, the officials agreed under the condition that the traders made no noise at the market near the customary border checkpoint. Many traders were using large stereo systems to bring attention to their stalls. Others used microphones to inform customers about their newest goods and reduced prices. There is always a cacophony at border markets. The noise is usually audible on the Lao side of the river and makes Lao customers aware of the market’s presence. Not being able to make any noise at the market would therefore have decreased the sales volume even further. Eventually, the traders in Ban Plee agreed to move to the Bridge, which further reduced the number of Lao villagers who passed by the shops in Ban Plee.

As a result of the shifted market location, many shop owners in Ban Plee had to close their businesses. In Ban Sing, several businesses also closed due to the reduction in border-crossers at the checkpoint there. In fact, one of the first things I noticed when walking through Ban Plee and Ban Sing was that many residential homes had shop-style entrances with sliding iron gates at the front of the house, which could be opened to expose the entire ground floor. This made the extent of shops that used to exist in the area very visible (Image 4). When visiting a shop owner who sold construction materials in Ban Plee one early afternoon in May 2012, he had not sold any of his goods

yet. It was a non-border market day and not a single customer had crossed over the checkpoint (apart from labourers and boat operators). The shop owner expressed his shattered hopes saying: “The officials said that if the Bridge is constructed we will be richer. But how can we be rich if it's like this? We cannot sell goods because the Lao people buy goods in Mueang Loei and stock them on their side. They pass through the checkpoint at the Bridge and do not pass by here anymore. The shops in the village are getting less and less so that we are not able to make business anymore”.



**Image 4: View of former shop fronts during village parade (Source: Author)**

The few shops that still remained near the checkpoint in Ban Plee had to seek additional sources of income. Some resorted back to farming while others became drivers for visitors at the Thai-Lao Friendship Bridge. By the time of my research, four out of the six remaining shops had bought a stall at the border market in order to boost their sales in addition to their shop. On border market days (Saturdays), they closed their shop in the village and took their goods to the border market instead.



The shops in Ban Sing also suffered losses of income after the opening of the Bridge, though not as much as those in Ban Plee. While a few restaurants and shophouses had to shut down their businesses, the main three export shophouses next to the former port of toleration stayed open and even expanded their businesses. The border market in Ban Sing maintained its location next to the checkpoint. The shops and border market in Ban Sing continued to benefit from their proximity to the adjacent town on the Lao side. Generally, the Thai-Lao Friendship Bridge affected Ban Sing less than Ban Plee because Ban Sing is situated several kilometres away from the Bridge and directly across from a larger Lao town. It was therefore often more convenient for the residents and traders of Ban Sawan to buy daily necessities in Ban Sing via the customary border checkpoint than to drive to the Bridge.

Ban Donmai did not have its own port of toleration so the new border regulations following the opening of the Thai-Lao Friendship Bridge did not have many implications here. It must not be forgotten, however, that Ban Donmai had experienced several crackdowns by the state in the 1990s and early 2000s that were aimed at curbing the cross-border drug trade flourishing there. Cross-border flows were more strongly regulated here due to these activities, although authorities focused on smuggling activities and tolerated visits to relatives. In 2005, however, a customary border checkpoint was installed near Ban Donmai. On the one hand, the checkpoint is a gateway that provides villagers with the legal permission to travel back and forth between the two villages. Lao villagers (and traders) used the checkpoint to travel to the newly established border market (open twice a month) in Ban Donmai and buy daily necessities. On the other hand, villagers from both sides of the river now require legal documentation to cross the river. As in other parts of the border, state-led regulation thus increased after the opening of the Thai-Lao Friendship Bridge.

While Thai shop owners, particularly in Ban Plee and Ban Sing, experienced drawbacks from the increase in state regulation, many Lao traders benefited from the improved transport conditions. With improved infrastructure, shops in Lao border villages who were wealthy enough to afford their own pick-up trucks started travelling to Mueang Loei themselves to buy goods. This drove down costs and made their business more profitable. One female trader explained: “Before the Bridge, we ordered our goods from the shops on the Thai side in Ban Sing and had the goods delivered by the workers at the checkpoint. We had to pay tax to the officer on the Lao side and also paid the

workers for the delivery. Now, we pay a similar tax at the Bridge but don't have to pay the workers anymore. We can also take much more goods across the border. This has made things easier and cheaper.” A trader with a slightly smaller shop on the Lao side who sold both wholesale and retail held a similar perception, although she saw both positive and negative aspects: “Before the Bridge, profits were high but crossing over was difficult because you had to use the boats. Nowadays, profits are low but it is a much easier life since you can cross over by car.” This trader did not drive to Mueang Loei herself. Instead, she drove across the Bridge in her own car, parked it there and then hired a local driver to take her to the shops in Mueang Loei. A day's trip to Mueang Loei cost approximately 900 baht.

In fact, the majority of traders who came from towns and villages further inside the province followed the same process of driving across the Bridge themselves but then hiring a driver to go to Mueang Loei. Such traders usually drove across the Bridge on a Friday (the day before the weekly border market) in their own pick-up trucks and parked these in a free parking area in front of the Bridge<sup>48</sup>. They then hired a local driver (usually from Ban Plee, Ban Sing or Ban Donmai) to take them to the shops in Mueang Loei. There was an array of reasons why these traders hired drivers instead of driving to Mueang Loei themselves. The most common response was that they were not used to driving on Thai roads where driving took place on the left hand side (in Laos driving is on the right hand side). Thai roads were also multi-lane with traffic lights and much busier than in Laos. Many of the small vans Lao traders owned required special paperwork to enter the highway, which was too costly and not worth the effort for the traders. Finally, many traders preferred to go to Mueang Loei with a local resident who knew which shops to take them to in order to find the goods they required.

In order to gain further insight into the practices of the traders from towns further inside Sayaboury province, I visited the Bridge on a Friday evening. Many of them had already arrived on the Thai side at noon, had parked their trucks in front of one of the administration buildings and were still out to buy goods in Mueang Loei. The majority of those who stayed behind were men. One of these men explained that it was often a husband who drove the truck to Thailand while his wife selected and purchased the goods in Mueang Loei. When the female traders returned that evening, they and their

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<sup>48</sup> Since my fieldwork a new customs building has been established on the land that was used for parking and the loading of goods.

husbands loaded the goods they had purchased directly onto their trucks. Most of them stayed overnight in tents on the terrace of the administration building. The next morning they bought fresh fruits, meat and vegetables at the border market as well as small amounts of other goods such as clothes and biscuits<sup>49</sup>. They then headed back across the Bridge to deliver the goods to their customers in the towns and villages on the Lao side. Many more such middlewomen arrived on the Saturday morning. Many of them shared a pick-up truck to go to Thailand and also shared the costs of the drive to Mueang Loei. Having arrived early in the morning, they were able to go to Mueang Loei and come back to the Bridge before the border market closed.

Towards the end of my fieldwork, I extended my research to further inside Laos, visiting the markets of Paklay (approx. 60km away from the border), Mueang Phiang (approx. 190km away from the border) and Mueang Sayaboury (approx. 220km away from the border) in order to gauge the reach of daily necessities from Loei province in Sayaboury province. Most of the daily necessities sold at markets in all three of these places originated from Thailand, delivered by the Lao middlewomen from the border area. As described above, these middlewomen (who were often accompanied by their husbands) had emerged as a new actor in the trade of daily necessities across the Thai-Lao border. In the provincial capital of Mueang Sayaboury, however, the amount and range of Chinese and Vietnamese goods was clearly much higher in comparison to all other towns. Chinese goods were delivered by Chinese middlemen directly from China while Vietnamese goods came into Sayaboury via Vientiane. Before the road infrastructure between Mueang Sayaboury and Loei province improved, most consumer goods came to Mueang Sayaboury from Vientiane via the Mekong River. Nowadays, according to a local shop owner, consumer products are still cheaper in Vientiane but the distance to Mueang Loei is shorter with lower travel expenses, making it more profitable to use the route via the Bridge<sup>50</sup>. Supporting this claim, an officer at the Provincial Department for Industry and Commerce in Mueang Sayaboury estimated in

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<sup>49</sup> There is a vast literature on the persistence of wet markets in the fresh food retailing industry. Unfortunately, due to the scope of this thesis I am unable to discuss this in detail. See for example Goldman et al. (1999), Gorton et al. (2009).

<sup>50</sup> According to an officer at Sayaboury's tourist office, the decreasing water level of the Mekong River has also made it more difficult for boats to travel to Mueang Sayaboury all the way from Vientiane.

an interview with me that 60% of consumer goods in Mueang Sayaboury came from Loei province while only 40% came from Vientiane<sup>51</sup>.

A major implication of the Thai-Lao Friendship Bridge was thus that the distribution of daily necessities between Loei and Sayaboury province via small-scale traders increased while becoming more diffuse. Throughout the 1980s and 1990s most daily necessities were traded via the border traders in Thali district. Traders situated further inside Sayaboury province used the Mekong River route via Chiang Khan to receive goods from Thailand. With the opening of the Thai-Lao Friendship Bridge in Ban Plee, however, traders from the Lao border area as well as from further inside Sayaboury province can travel directly to Mueang Loei and save the delivery costs and profit margins raised by Thai border traders.

At the same time, several Lao shop and market stall owners also continued to receive goods from Thai border traders. In the Lao town of Ban Sawan, which was situated across from Ban Sing, most of the smaller retailers received their goods via delivery from Ban Sing. At the central market in Ban Sawan, many stall owners did not possess a car and were dependent on the delivery of wholesale goods directly to their stall. The wealthier traders who regularly went to Mueang Loei also maintained trade relations with the border traders in Ban Sing, as they could use them to fill any short-term gaps before their next trip to Mueang Loei. Most of the shops in the Lao villages across from Ban Plee also still received the bulk of their goods from border traders in Ban Plee. For the small amounts they required, the cost of travelling to Mueang Loei and the import tax issued there was higher than the delivery via the customary border checkpoint. From this it can be deduced that on the Lao side, the Thai-Lao Friendship Bridge was in fact most beneficial to already well-to-do traders who owned vehicles for transport and who required large amounts of wholesale goods.

To remain competitive in the wake of an increased amount of daily necessities traded across the Thai-Lao border, the shops in Ban Sing also started delivering large amount of goods to the Bridge where their customers would pick up the goods and take them back across the Bridge. In doing so, the shop owners in Ban Sing adapted to the new

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<sup>51</sup> Although Laos does not have a strong consumer products manufacturing industry, there were several products that wholesalers also bought directly from Lao manufacturers. These included Beer Lao, Pepsi, a locally produced energy drink and orange juice. However, according to the Lao traders, their customers preferred consumer products from Thailand so the purchase of Lao consumer products remained limited.

border regulations and the redirected flow of people and goods by utilising a variety of distribution channels and strategies. With regard to buying goods themselves, the shop owners in Ban Sing regularly travelled to Mueang Loei and compared prices at Khubun Supercentre and the other wholesalers. This allowed them buy the goods they required in the shop where they were cheapest rather than paying a surcharge for the wholesalers' delivery services.

Apart from buying goods at the wholesalers in Mueang Loei, the shops in all three villages of my research area also received goods directly from manufacturers. This came to me by surprise during my field research as I had not expected Coca-Cola and Unilever delivery vans to drive into small border villages such as Ban Sing and deliver wholesale goods to the shophouses next to the customary border checkpoint where trade was conducted only at a small-scale level. While Khubun Supercentre had already started delivering goods to the border villages in the 1990s, Thai manufacturers had now adopted this strategy as well. These findings are also fully in line with Endo Gen's study on Thailand's retail industry. According to Gen, the major manufacturers in Thailand such as Unilever still channelled at least 50-60% of their goods via traditional retailers in 2006 (Endo 2013: 145)<sup>52</sup>.

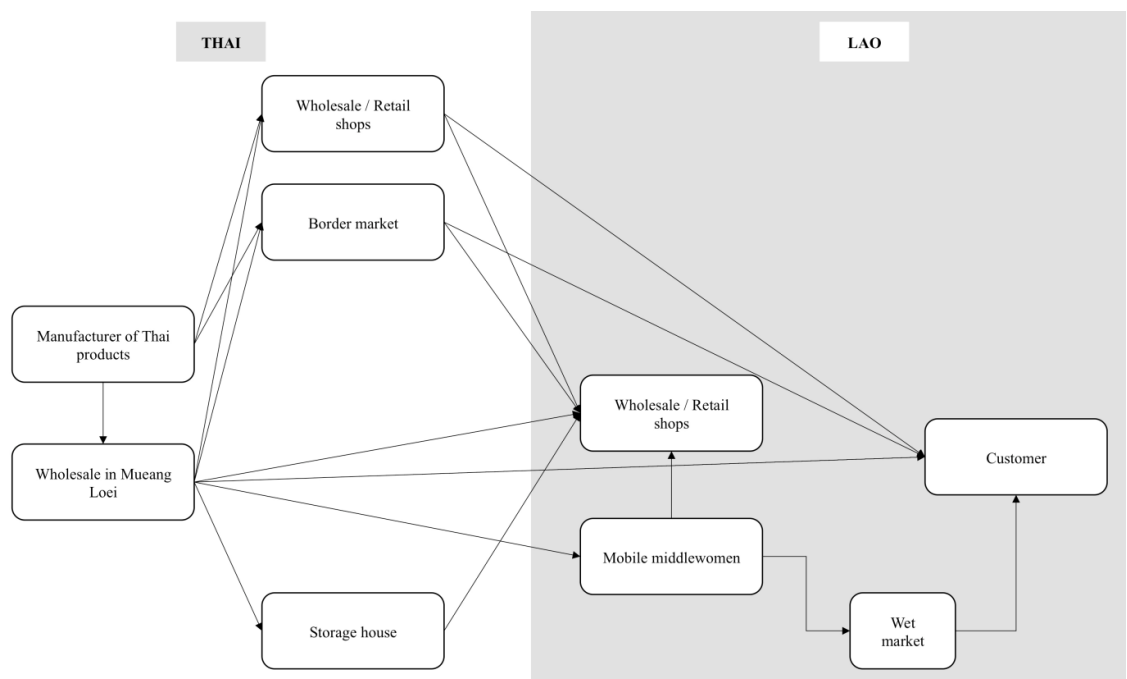
In the meantime, Khubun Supercentre further adapted its strategy to accommodate the needs of an increased number of customers from Laos. In my interview with the owner of Khubun he reported that his customers consisted of approximately 70% Thai residents and 30% Lao residents. The latter came from all around Sayaboury province, including Ban Sawan, Paklay and Mueang Sayaboury. The owner had therefore created a separate division within the supercentre that worked towards the needs of Lao customers. This included an ordering system. As Khubun's delivery system did not cover Lao territory, Lao customers were now able to order by phone and pick up their goods at the store where they were packed and ready for pick up on a specified date. Trusted long-term customers from Laos also received credit from Khubun, although in these cases the owner of Khubun would usually travel to Laos and personally assesses his customers' credit-worthiness. Lao traders were given a free gift worth 1% of their total purchase, e.g. when buying goods worth 10,000 baht they could choose an

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<sup>52</sup> Endo Gen also argues that the mosaic-structured consumer market in Thailand, which is due to the unequal income distribution, is an important factor when it comes to analysing the reasons why transnational retailers do not fully dominated the market.

additional product worth 100 baht. This offer did not apply to the Thai division with its delivery scheme.

Most recently, the supercentre had also started delivering goods to warehouses along the Thai side of the border. This specific distribution channel emerged as an effect of the Thai-Lao Friendship Bridge. In this scheme, Lao wholesalers could order goods from Khubun and have them delivered to a warehouse in one of the border villages close to the Bridge. The Lao trader would then pick up the goods in the warehouse and take them back across the border. However, I found only one case where the warehouse strategy was used. It involved a large-scale female trader from Mueang Sayaboury whose husband was a high-ranking official in the provincial government. The trader's business consisted of seven large trucks with drivers who transported goods from the Thai side of the Bridge across the border to Mueang Sayaboury. In an interview with the trader's mother, I was told that the trader's husband's position facilitated the trading process across the Bridge immensely. The only other case of large-scale consumer products trade I encountered was with a female trader at the central market in Ban Sawan. She reported that she had been transporting consumer goods from the Thai border to Paklay in a large truck until about six months ago when the Lao import tax at the Bridge had become so high that it was not worth continuing the business anymore.



**Figure 12: Distribution of daily necessities via small-scale (traditional) marketing channels from Loei to Sayaboury province in 2011/2012 (Source: Author)**

These findings demonstrate the predominance of the traditional retail format in Loei province (Figure 12). In light of a growing modern retail system, the traditional format has been able to adapt to the increased economic cooperation across the border and stay competitive. These findings refute the claims of those who in the 1980s and 1990s believed that transnational retailers would disturb or even revolutionise existing retail and distribution structures (e.g. Reardon and Hopkins 2006). With the emergence of department and convenience stores (e.g. Carrefour), big supermarket chains (e.g. Tesco, 7/11) and most recently hypermarkets (e.g. Makro), there was a widespread expectation that this would imply the disappearance of traditional wholesalers such as Khubun and border traders such as those in my research area. In contrast to this assumption, the Tesco and Big C supermarket as well as the Makro hypermarket that had opened in Mueang Loei just before my research were used mostly by retailers and consumers in the city and its surroundings rather than by border traders. The border traders in my research area mentioned that they only went to Tesco and Big C “for entertainment” as these consisted of restaurants and children’s play areas in addition to the retail section. With regard to Makro, my informants reported not ever utilising this format as it did not offer credits or a delivery scheme. This clearly came to the advantage of traditional wholesalers such as Khubun.

On the one hand, the Bridge has driven economic growth and increased market access by facilitating transportation. Lao traders and consumers are now able to drive to Mueang Loei themselves and buy consumer products directly at the wholesalers in the city rather than having to order these goods from the Thai export shophouses and markets along the border. New distributors of daily necessities have emerged in this context such Lao middlewomen who supply shops and markets all over Sayaboury province. On the other hand, the impact on Thai border traders has been largely negative. Many have had to close down their shops and restaurants and seek other sources of income. The remaining traders have had to adapt their sales and distribution strategy accordingly. The distribution of daily necessities has become more diverse, more competitive, and with more actors involved. Among the range of actors involved in the cross-border trade of daily necessities, Lao actors are the ones who demonstrate the highest level of cross-border mobility in transporting goods across the border, reflecting the asymmetry within the Thai-Lao borderland.

With regard to the border itself, the Thai-Lao Friendship Bridge has led to an increase in state regulation manifested by the Bridge itself and the downgrading of ports of toleration to customary border checkpoints. By facilitating transport between Sayaboury and Loei province, the Bridge has led many Lao traders to buy their goods directly in Mueang Loei, thereby bypassing traders in the Thai border area. At the same time, the border market in Ban Plee has grown in size and a new border market was established in Ban Donmai. Many Lao traders still use Thai border traders in my research area to gain access to daily necessities. Both wholesalers and manufacturers deliver goods to the border. In this respect, the border area remains a centre of trade that attracts different kinds of actors.

The current economic cooperation between the Thai and Lao governments is based on a post-Westphalian logic that aims to reduce barriers to trade, tourism and labour migration while at the same time trying to decrease activities that fall into the categories of smuggling and trafficking. While I will discuss the blurry lines between legal and illegal, licit and illicit trading activities in Chapter 6, the main point here is that this post-Westphalian logic carries with it the layers of the Westphalian logic that aims at compartmentalising nation-states. It has aspects of facilitation and restriction. This paradox of increased regulation in a time of globalisation and market liberalisation is nicely summed up by one of the Thai shop owners in Ban Plee who remembered the years after 1975 as difficult but manageable. She laughed when saying: “It wasn’t convenient but it was fun! If you couldn’t go across here then you went there...and then you went here again...!” In a more serious tone, she added: “Now you can’t do the same anymore...”

## **TRADE AS A CONTINUUM THROUGHOUT SPACE AND TIME**

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This chapter has provided a glimpse into the changing manifestations of the nation-state border in my research area since 1975 and demonstrated how these manifestations are not only perceived by border residents but also how they have differently affected the population in my research area, particularly those involved in the small-scale trade of daily necessities. Compared to the historical becomings of the border before 1975, which my interlocutors remembered as having had very little impact on the local population, the history of the border since 1975 has been more turbulent. Daily necessities nevertheless continued to flow across the border, not only *despite* the



restrictions on cross-border flows but also *because* of the opportunities presented by these restrictions. According to the memories of border residents, the border has been rearticulated in different ways by different actors since 1975. The decision to increase state presence along the border and restrict cross-border flows after 1975 was a unilateral one made by Thailand based on its ideological rift with the communist government of Laos. Political refugees from Laos were welcomed into Thailand and reactionaries accommodated in the Thai borderland while commodities flowing into Laos were restricted and made illegal. By pushing important aspects of trade into illegality, Thailand created opportunities of clandestine trade that were highly profitable. The value of daily necessities from Thailand increased immensely. Trading practices that had been part of everyday life were therefore continued in defiance of state regulations.

The power of trade and cross-border networks in my research area led to the opening of ports of toleration in the 1980s and later, permanent checkpoints. As restrictions on cross-border trade decreased, the Thai border villages flourished. Border markets were established and Thai border traders became the main suppliers of daily necessities to the Lao borderland. As state regulation on the Thai side shifted to a focus on drugs, cars, and timber smuggling, the Lao state increased its regulations by imposing an import tax on all goods coming into Laos, including daily necessities. As a result, cross-border traders began to circumvent Lao border officials while bribing Thai border officials for turning a blind eye. Thai border villages flourished and the Thai border area became a centre for trade. Despite these exchanges, security concerns continued to pervade the area. The border war in Ban Rom Klao in late 1980s as well as the crackdown on drugs in Thali's border villages in the late 1990s articulated the violence that comes with the Westphalian logic of bordering, aimed at defending the borderline against foreign powers and perceived threats to the nation-state. The security aspect of the border remains an important layer of the process of bordering even as regional agreements have led to a rise of the post-Westphalian logic.

Despite Thailand and Laos' rapprochement and economic cooperation, state regulation of trade has continued outside the Thai-Lao Friendship Bridge. Different parts of the border in my research area have been affected differently by the new border policies and have adapted to them in different ways. New actors have emerged in the trading business while distribution channels have diversified. While most trade is conducted via

the Thai-Lao Friendship Bridge, several border traders continue to use the former ports of toleration (now called customary border checkpoint) as well as unmarked border-crossing sites for their trading activities. These sites will be at the core of the remaining chapters of this thesis.

When reading the following chapters, it is important to remember what these first two chapters have demonstrated, namely that people's memories and experiences of the border have shaped and informed how the border comes into being today, how small-scale trade is practiced, as well as people's perceptions and social practices. In the next chapter I will shift the focus from the border to the female traders who are engaged with it and who contribute to its construction and deconstruction in space and time. I will provide insight into the everyday lives of two types of female border traders as I encountered them during my field research and will explore the relevance of the border in these women's lives.

## PART II

### EVERYDAY LIFE OF SOCIAL ACTORS

## CHAPTER 3

### MOTHERS OF TRADE

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#### INTRODUCTION

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Having so far provided the historical, political, and regional context that informs the nation-state border in my research area, this chapter zooms into the everyday lives of the female traders who engage with the border through their involvement in the small-scale cross-border trade of daily necessities. By looking at different aspects of their everyday life, I explore how these non-state actors contribute to the production of the nation-state border. As discussed in Chapter 3, there are several different kinds of traders dealing with daily necessities and their experiences vary greatly according to their role as wholesaler, retailer, middlewoman, market stall owner, etc. Each of these roles brings with it different challenges that are further influenced by the economic asymmetry between Thailand and Laos, the trader's social network, her age, marital status, and social positioning, etc.

While the scope of this research does not allow me to cover all of these aspects, I seek to highlight the experiences and practices that are relevant to the articulation of the border. I focus on three aspects of everyday life in particular: the trader's role in the household and the division of labour, her social networks with other traders, and her cross-border mobility. Each of the following three sections focuses on one of these aspects, beginning with a short literature review on the specific aspect of female traders' everyday lives. As I will show, most academic works that study female traders in terms of their domestic situation, social networks, and mobility link these aspects to gender and social status.

Here, I employ my ethnography on family life, social networks, and mobility to demonstrate how female traders contribute to the production of the nation-state border through everyday practices. The ethnographic examples I draw on include traders on the Thai side (shophouse owners at the customary border checkpoints and border market stall owners) as well as on the Lao side (middlewomen and market stall owners). Rather than comparing the experiences of all different types of traders in each section, I focus on the experience of those traders among which each aspect is most significant.

## **INTEGRATING ENTREPRENEURSHIP AND FAMILY LIFE**

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It has long been noted among scholars working on Southeast Asia that small-scale (or petty) trade in Southeast Asia has been and continues to be dominated by women. Already in the 17<sup>th</sup> century, travellers noticed the predominance of women in Siamese markets and saw women working in the fields while men were smoking or sleeping (Kirsch 1996: 14). Many researchers have confirmed this specialisation of women in economic activities, which encompasses not only small-scale trading activities but also controlling the household's purse strings (De Young 1966; Kirsch 1975; Kusakabe 2003). In Thailand, women are seen to have a fairly equal status to men when considering socio-economic indicators such as education and labour force participation (Wathinee and Guest 1998; Ockey 1999: 1034).

With regard to their participation in the economy, however, women's activities in Thailand are largely confined to the small-scale economic sphere while men dominate large-scale trade, politics, and the bureaucracy. This was also the case in my research area. It has been argued that this uneven division of labour is grounded to some extent in Theravada Buddhism – the region's and my informants' predominant belief system, in which women are “deemed to be more deeply rooted in this-worldly activities and secular concerns than are men” (Kirsch 1975: 191). This-worldly activities entail household as well as economic activities, which are deemed lower in status than religious or political activities. Theravada Buddhism is therefore often seen not just as a legitimisation but as a foundation for the subordination of women in Thai and Lao society (see Keyes 1984 for a critical perspective).

While I will discuss in the third section how women have been able to increase their social mobility through trading activities, the important point here is that women dominate the small-scale trading scene. In my research area, they dominated both the short-distance as well as the long-distance trade of daily necessities. Many of the female traders I encountered in my research, however, were not always entirely alone in conducting their business. Their husbands, parents, daughters and daughters- and sons-in-law were often involved too, turning the trading activities into a family business. In some cases daughters were expected to help out their mother in the business and the household. This is expressed in the notion of the dutiful daughter, which is based to a large extent on the concept of *bun khun*. In Northeastern Thailand and Laos, the concept of *bun khun* describes the debt of gratitude, referring particularly to children's

obligations to express their gratitude towards their parents. While sons are expected to ordain as a Buddhist monk for a short period, daughters are expected to contribute to their parent's household by helping in the family business or through otherwise obtained material wealth (Patcharin 2010: 12f). The notion of the dutiful daughter is often referred to in the literature on migrant labourers, especially when describing how female migrant workers send remittances to their parents as part of their duties as a daughter (see for example Cook 1998; Rigg 2007; Engelmajer and Izuhara 2010; Patcharin 2010). In my research area, several daughters of cross-border traders felt obliged to become involved and continue the family trading business. A matrilocal residence pattern was conducive to the responsibilities of women towards their families and meant that their husbands sometimes also got involved in the family business.

Northeastern Thailand and Laos are known for a tendency towards matrilocal residence after marriage, by which the married couple lives with the wife's family (see Keyes 1977; Ireson 1996; Sparkes 2005). Bowie (2008) argues not only that matrilocality strengthens matrilineal ties but also that it may stir feelings of estrangement in the husband who must deal with a new home and family. Despite his formal authority as head of the household, the husband is nevertheless dependent on his wife's family. This may even lead to drinking habits as Bowie suggests with regard to men's drinking circles at village festivals: "Although alcohol consumption has various motivations, these drinking circles provide a form of escape from the alienation men may experience in their wives' families" (Bowie 2008: 141). During the time of my research, the tendency towards matrilocality along the Hueang River was undermined by several factors including the nation-state border, which led Lao women to move to Thailand when marrying a Thai man. Couples also often moved to the husband's family if the wife's parents were already taken care of and also if the husband's family conducted a business that required their son's and daughter-in-law's help. Among the trader families I worked with, furthermore, not all daughters were expected to take on the responsibilities of the family business and the household. It was increasingly the case that mothers allowed their daughters to achieve their own goals.

Where women conducted their business together with their husbands and/or sons-in-laws, women were the ones to serve customers while men carried out jobs such as transporting goods or setting up the border market stall. Due to the customer-facing role of women, it was often not immediately evident from the outside that the shop or stall

was a family business. In fact, the predominance of women when it comes to serving customers was backed up by my informants' statements when asked why they were selling goods instead of their husbands: "My husband does not sell as well as I do" / "It has always been done like this, it's our tradition". Many of my female interlocutors also held the household purse strings and were responsible for the finances of the business. In fact, when women engaged in trading activities, they still maintained their domestic responsibilities, which included household chores and child rearing. In Thailand and Laos, the term used for female entrepreneurs (*maekha*) makes the link between household and economic activities very apparent. The term literally translates "mother of trade". In his article on gender notions in Thai Buddhist culture, Keyes underscores the image of women as mothers and nurturers, arguing that it is especially the notion of the nurturer that has an effect on the role of the *maekha* because it implies that she should provide for her family through productive activities (1984: 229).

The challenge of integrating work and family life impacts women's ability to engage in trade. The long-distance middlewomen from Laos whom I encountered in my research area usually did not have any children who were in their infant years and who the women would have to care for during their travels. I also rarely saw infants at the central market in Ban Sawan where traders rented units from where they sold consumer goods during the opening times of the market. This was different in the shophouses located on the Thai side of the customary border checkpoints as well as at border markets in Thai border villages. The female traders in shophouses and border markets were able to integrate entrepreneurship and family life (to different degrees), which allowed them to sustain their businesses over several generations. In doing so, they were able to exploit the economic opportunity that their strategic location close to the borderline offered them.

Thailand and Laos are well known for their 'mom and pop' stores (*ran kha*), which I refer to as shophouses because merchandise is sold on the ground floor while the top floor is used for accommodation. In the context of rural Thailand, such shophouses were considered the "mainstay of the Thai retailing system" from the beginning of the 19<sup>th</sup> century up to the 1950s (Mandhachitara 2000: 762). Although department stores came to the forefront in the 1950s and supermarkets were introduced in the 1960s, shophouses continue to prevail especially in Thailand's rural areas (Chapter 2). In my research area there were many such shophouses throughout the area with those located

at the customary border checkpoints specialising in cross-border trade, selling daily necessities both at wholesale and retail level (*khai plik khai song*).

In contrast to other shophouses in the area, the ones at the customary border checkpoints derived their income mainly from customers on the Lao side, including other shop owners, middlewomen as well as hundreds of villagers who came across the checkpoint on border market days. Their monthly sales volume was therefore much higher than that of other shophouses in the area, ranging between 100,000 and 240,000 baht (which roughly equates USD 3,000 – USD 8,000)<sup>53</sup>. This sales volume allowed for trading practices to be the household's main income, although most of my informants owned agricultural fields for secondary income purposes. Despite conducting trade as their main income strategy, the owners of shophouses described their trade without exception as small-scale (*gankha lekkek / gankha raiyoi*).

Among the shophouses situated at customary border checkpoints in my research area, all but one family lived in the same house where they sold goods. While husbands often helped out with trading activities, their wives had to juggle their trading activities with their duties as mothers. Noon, a shophouse owner near the customary border checkpoint in Ban Plee, exemplified this as she had her first child after establishing her business. As Noon's husband was a driver at the Thai-Lao Friendship Bridge, she sold goods in the shophouse by herself on a daily basis. She also shipped goods across the river via the local boat operators. In order to accommodate her responsibilities as a mother, Noon had built a bedroom in the back of her shop. The room had glass walls so that it was possible to watch over the shop while lying in bed (Image 5). This became a major advantage when Noon gave birth to her first child. Having spent seven days in the hospital to give birth (during which her husband took over the shop), she immediately continued her trading business. I was baffled by her ease of handling the situation as she simply carried her new-born daughter on her arm while sorting and fetching goods for customers. When her daughter needed to rest, she left her in the bedroom while being able to watch her from anywhere in the shop through the glass walls of the bedroom.

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<sup>53</sup> It was particularly difficult to obtain numerical information on small-scale trade because traders did not calculate sales balances. They bought new goods whenever they received a payment and were able to afford it. Most of my informants were only able to tell me how much money they spent on wholesale goods per week, which was usually about 50-60,000 baht. One trader said she sold goods for approximately 100,000 baht per month. One of my informants estimated that her monthly profits amounted to 40-50,000 baht.





**Image 5: Noon with her newborn in the bedroom at the back of her shop (Source: Author)**

Living and working in the same space gives such female traders the advantage of continuing their business and maintaining their main source of income while performing their role as mother and nurturer. Customers can rely on such shophouses to be open seven days a week. The female shop owners' ability to adapt their opening hours to the needs of the customers also gives them a significant advantage over the larger wholesalers in Mueang Loei that have fixed opening hours. Due to the diversification in cross-border trade, however, female traders can rarely afford to close their shop, hence Noon's husband's help in selling goods while she was in hospital.

Noon did not expect her new-born daughter to take over the shophouse when she was older. She held the same view as one of the shophouse owners at the customary border checkpoint in Ban Sing named Kew. Kew had one son and one daughter both of whom were already adults. Her daughter had in fact already set up her own business as an individual small-scale cross-border trader by transporting goods from Mueang Loei to the border and thereby contributing to her own family of three. Kew did not expect either of her children to take over the shop when she became too old to run it herself.

She said: “I want my children to do whatever pleases them. As long as I can still maintain the shop, I do not think of what will happen in the future.”

Kew’s attitude towards her daughter stood in contrast to Khiat’s, another shophouse owner at the customary border checkpoint in Ban Sing. Khiat had one daughter and one son. Her son studied and worked in Bangkok but had recently returned to the village together with his wife who occasionally helped out in Khiat’s shop. Khiat’s 25-year old daughter helped in the shop on a daily basis although she previously wanted to become a nurse. Khiat explained: “She started her training as a nurse but then I asked her to come back home and help in my shop. It is better for her to stay in this village than to live out there in the city. You never know what will happen there.” Khiat not only expected her daughter to contribute to the family household but also expressed anxieties surrounding her daughter’s mobility and life in the city, an issue I will come back to in the section on cross-border mobility.

While shophouse owners at the customary border checkpoints raised their children inside their homes where they engaged in trading activities, the situation was somewhat different for border market traders who travelled from one market to the next over a period of several days. Many of such traders take their young children with them on their travels although they must find a different solution as soon as their child is at the age when they must attend school on a daily basis. Similar to the shophouses, however, female traders at border markets also adopt the client-facing role of the business while their husbands work in the background. The following vignette will present the case of a family I engaged with during my research that sold clothes at several border markets throughout Loei province.

My main interlocutor in the family was Mu, a 31-year old second generation trader from Ban Donmai who sold clothes at border markets along the Thai-Lao border together with her husband and mother, Mae Som. Together they sold clothes for women, men and children including jeans, shirts, blouses and underwear. Mu’s parents had bought the clothes stall with 24 racks about 25 years ago for 30,000 baht from a trader in Mueang Loei. At first Mu’s parents sold second-hand clothes, which they purchased at a market along the Thai-Cambodian border. After a while the smell of second-hand clothes became too disturbing for them so Mu’s parents decided to change to first-hand clothing, which they now purchased in Loei, Udon Thani, and Bangkok. Mu’s parents

had conducted their business together with Mu and Mu's husband until the year before my research when Mu's father decided to work solely on their cassava and rice fields. This was only possible after Mu's husband started helping out with the stall as well. According to Mae Som, they could make up to 9,000 baht per day at the border markets, which provided enough money to build a second house for Mu.

For a whole week, I accompanied Mu and her family on their travels selling clothes at markets along the Hueang River. Upon our arrival at a border market situated west of my research area, Mu's husband was the one to lift the heavy poles down from the truck; then Mu helped him set up the poles and the tent roof for the stall in their designated area. Meanwhile, Mae Som started preparing dinner using an electric rice cooker and a small camping stove. After setting up the stall, everyone was able to use the public washing facilities at the market place to get ready for the night. We had dinner together on a mat on the floor of the stall. Sometimes Mu's family shared food with the other traders whom they knew well. They went to sleep in the small tents they had brought with them and which they had set up next to their truck.

The next morning, Mu, her husband and Mae Som woke up at 5.15am to arrange the goods in their stall, letting Mu's son sleep in. From 5.30am on, the other traders at the market started playing music from the stereos in their trucks to attract customers from across the river in Laos. By 7am the market was a hustle and bustle of traders and customers, bargaining for the best prices. Mu's husband also worked in the stall, assisting Mu and her mother. While the three adults took care of the customers, Mu's son was happy playing with the other children at the market. In fact, several of the other traders had children whom Mu's son could play with. They also often had small babies with them, letting them sleep in self-made baby cribs made out of cloth (Image 6). Female traders could also often be seen carrying their babies across the stall while serving customers.



**Image 6: Baby crib made out of chequered cloth set up in front of a clothes stall at the talat nat (Source: Author)**

The above account of Mu's family business highlights the common division of labour at border markets. Men are responsible for carrying heavy poles and for setting up the stall. Women are responsible for cooking, taking care of the children and serving customers. In fact, it took me several weeks of research at the border markets before even noticing that men were also involved in the trading business at border markets. This was mainly due to the predominance of women dealing with customers. When they were not travelling, Mu took care of the household while her husband often went out with his friends. Mu explained that he enjoyed getting drunk, which sometimes led to quarrels between Mu and him but she accepted this and seemed grateful for the division of labour between them: "Every person has both positive and negative qualities. My husband, for example, may like to get drunk and behave badly. But he is also a hard worker, helping out in the family business as well as in the cassava and rice fields. Without my husband I could not continue the business because it is impossible for me to set up the stall with the heavy poles by myself." In other words, she accepted her husband's negative sides so not to jeopardise his contribution to the family business. Having moved to Ban Donmai from another province, Mu's husband's behaviour must

also be seen in the context of matrilocality. His practices of meeting and drinking with his friends exemplify the drinking circles mentioned above among men who move in with their wife's family.

Mu herself exemplifies the notion of the dutiful daughter as she became a second-generation border market trader despite initial reluctance. After finishing high school she helped her parents in their clothes stall although she had been hoping to study law one day. At the age of 21, Mu went to Bangkok where she worked as a labourer for one year. She recalled this time as "being naughty" (*doe*) and "running away" in a rebellion against her family's expectations of her staying at home and helping out in the family business. In Bangkok she got to know her future husband. It was he who persuaded her to "do the right thing" and to return home to help her parents. Back home, Mu still hoped to study law at the local university on a part-time basis. Mae Som, however, discouraged her from studying, as she was afraid that Mu might "run away" again. Mu followed her mother's decision and stayed at home. During my research, Mu had a four-year old son and did not think about studying anymore.

As described above, Mu was able to take her son along to the border markets along the Hueang River. Mu explained however that when her son entered primary school she would not be able to take him along anymore. Instead, Mae Som would then stay at home, leaving the family business to Mu and her husband. It is generally very common in Thailand for grandmothers to raise their grandchildren, particularly in the case of dual wage earners but also in cases of divorce, bereavement, and sickness (Mehta and Lang 2011: 65f). In the case of border market traders, such an arrangement allowed for an uninterrupted continuation of the business as it was transferred from one generation to the next. As border market trade was the main income of the family, the household structure was adapted to the needs of the business. With respect to the more distant future, however, Mu was planning to sell the stall to someone else. She was tired of travelling, getting up early in the morning to set up the stall and taking it down in the evening. "It is a really tough job", she said. Instead, she was hoping to rent a permanent stall at the Thai-Lao Friendship Bridge. She had heard rumours that a permanent border market would be established there in the near future.

As it has become clear, the integration of entrepreneurship and family life involves a gendered division of labour within the household that allows shophouse owners and

border market traders in Thai border villages to maintain a regular income through the continuation of their cross-border trading businesses, themselves extending to more than one generation. Being able to adapt to domestic and economic pressures allows female traders to continue engaging in activities that transcend the nation-state border. By profiting from the economy asymmetry between Thailand and Laos, female traders also reconfirm the border as the divider of national economies. It must be emphasised that the border traders on the Thai side of the border were part of the economically stronger nation-state so that they benefitted from the dependence of Lao traders and villagers on access to the Thai market. At the same time, as trading practices have become more diversified since the opening of the Thai-Lao Friendship Bridge, shophouse owners were also dependent on their social networks to the Lao side for the continuation of their business. I will address these social networks in the next section.

## **SOCIAL NETWORKS AND HIERARCHIES**

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While factors pertaining to the domestic sphere influence the way women conduct trade, several authors have also highlighted the importance of social networks for the survival of women's trade (Walker 1999; Peberdy 2000; Muzvidziwa 2001; Desai 2009). Female border traders around the world make use of their social networks to get started in the business, for access to credit, as support networks, to facilitate transportation across the border as well as to reduce duty payments at the border itself (Rubesch and Banomyong 2005; Desai 2009; Yusuff 2014; Phadungkiati and Connell 2014). These networks include both kin and non-kin. In southern Zimbabwe, for example, female traders used kin relations in the initial stages of their business but once they had established a stable financial situation they distanced themselves from their kin, keeping them out of their business relationships (Muzvidziwa 2001: 72). This is not the case in Thailand and Laos where traders often maintain long-term trade relationships with kin as well as with non-kin.

Kew, one of the shophouse owners in Ban Sing, provides for an interesting case study to demonstrate the significance of social networks with kin and non-kin for the trading practices of shophouse owners in Thai border villages. Kew was born in a village on the Lao side. During the communist takeover in 1975, Kew's parents fled to the Thai side with her and her sisters. Although many Lao villagers sought refuge in the refugee camp that was established in Loei province, Kew's parents decided to stay with relatives in

Ban Sing instead. Kew therefore finished primary school on the Thai side. As a teenager she got to know her Thai husband in Ban Sing who was a farmer at the time. After marriage, Kew started selling fresh food at the local wet market to contribute to the family household. She would buy the fresh products in her hometown on the Lao side where these products were cheaper and allow for some profit when reselling them on the Thai side.

After a few years in 2002 (2 years before the opening of the Thai-Lao Friendship Bridge), she and her husband decided to open a shop at the customary border checkpoint in Ban Sing as many Lao people were crossing over there to buy daily necessities. They rented a shophouse along the river at first and were then able to buy land closer to the checkpoint, where they built their current shophouse. Although Kew relied on her Thai husband to buy land for their shophouse, it was her vast social network of potential customers on the Lao side, which they could draw on to sell goods. While Kew focused on the sales aspect of the business and held the purse strings, her husband engaged in the travelling-related aspects of the business supplies. Their business soon flourished and by the time of my research they hired a worker from the Lao side to help Kew sort and pack goods.

Most of the shophouse owners at the customary border checkpoints started off their businesses by making use of cross-border kinship relations and social relations, which they already had before the communist takeover in Laos. For Kew and her family, however, social networks had been all the more significant. When her family fled from their Lao village to the Thai side, their relatives in Ban Sing could provide temporary shelter before they were able to set up their own home. Later, when Kew lived with her husband, she regularly crossed over to the Lao side to buy fresh products from her fellow traders in order to resell those products at the fresh market in a Thai border village. Finally, when she opened the shop at the customary border checkpoint, she was able to build on her existing relationships with relatives and other traders in the town across the river: “I know every single shop on that side and everyone from [there] because I was born there. We are all related (*pen yat kan*)”.

In fact, one of Kew’s most important and most regular customers was her cousin Jeng and his wife Dao who were shop owners in the Lao border town of Ban Sawan. Jeng drove across the Thai-Lao Friendship Bridge almost every day to meet Kew’s husband



from whom he received a large amount of goods, which he then took back across the bridge. Jeng and his wife also received small amounts of goods from Kew's shop via the customary border checkpoint. While several shopkeepers at the central market in Ban Sawan had started driving to Mueang Loei themselves, thereby bypassing traders in Thai border villages such as Kew, Kew herself could rely on her cousin's loyalty to continue buying the bulk of his goods from her.



**Image 7: Kew gives change to a customer from Laos who just bought two packs of soft drinks (Source: Author)**

Kew and Jeng were kin but they respected each other as traders in that their arrangements did not differ from those between traders who were not kin. The close relationship between traders and customers – be it kin or non-kin – came with several social obligations. If one of her close customers in Laos or one of these customer's family members was ill, Kew asked her husband to help them access health services on the Thai side by driving them in his car. Kew also granted her customers credit (the Thai word is also *kredit*), ranging from three days up to one year depending on how close their relationship and how strong their relationship of trust was. Kew did not take any interest on this credit and would accept a re-payment of the credit in goods instead of cash if needed. Such goods could consist of fresh products such as chicken or pork meat, but she had also received furniture, e.g. a sofa in the past. In order to maintain good relationships with her trading partners, furthermore, Kew occasionally went to the



Lao side of the border, crossing over the customary border checkpoint to visit them for a chat, collect money, and take up new orders. During the annual village festivals (*ngan bun*) she also crossed over the border to celebrate with her trading partners and invited them to her home during the festival in Ban Sing.

While the conditions for Kew's trade relations were based more on trust than on kinship, Kew did differentiate between kin and non-kin when describing her relationship with her customers. When referring to her relationship with her cousin Jeng, Kew used the term "*pen yat kan*" (we are related). In Thailand, the term *yat* is used explicitly for consanguineal and affinal relatives (Amara 1985) and Kew's use of the term confirms this. When describing her relationship with most of her other customers, Kew referred to them as siblings (*phinong*). Both Walker (2012: 172) and Askew (2002: 218) describe *phinong* as a broadly inclusive kinship term that may not only include consanguineal and affinal relatives but also extend to fictive kin. This became especially clear in my research location when I asked how exactly people who had been described as *phinong* were related. In many instances, my informants would refer to kinship relations dating back to their distant ancestors or say that they have simply "been conducting trade with each other" (*kha khai duaikan*) for a very long time. One female trader's mother had already conducted trade with the trader's customer's mother and they knew each other almost their entire life. The Thai term for customer (*lukkha*) was seldomly used by the traders at the customary border checkpoints.

Although the term *phinong* can be loosely translated as siblings, it literally means "older sibling younger sibling", which implies an unequal power relationship based on birth order and generation. In Thailand, one's position in the social hierarchy is determined through a combination of age, education level, reputation of the family, and gender and children learn early on to respect their elders (Mattson and Stage 2003: 113). When people of a similar age meet each other for the first time, they usually establish in the beginning who is older and who is younger. The age hierarchy is then verbalised through the use of *phi* and *nong* (Bechstedt 2002: 242).

Although the term *phinong* is widely used all around Thailand, it attains a certain and very interesting specificity when used for relationships across the Thai-Lao border. This is because it is also used in Thailand to describe the regional power relationship between Thailand and Laos (Pholsena and Banomyong 2006: 60). In Thailand children

in the third school year already learn the term *ban phi mueang nong* (the home of the elder sibling, the home of the younger sibling) in history textbooks to understand the historical (and inherently asymmetrical) relationship between Thailand and Laos (Mayoury 1994: 6). The term reflects Thailand's patronising attitude towards Laos (Chapter 2) and its predominant view of Laos as "backward" and "peripheral" (McCargo and Krisadawan 2004: 231). Laos avoids using the term and prefers to describe its relationship with Thailand as *ban kai hueang kieng* (neighbouring countries), emphasising their equal footing and mutual respect (Mayoury 1994: 1)<sup>54</sup>.

Walker describes *phinong* at the village level as implying a sense of localised solidarity and interdependence (Walker 2012: 172). This solidarity and interdependence seems to apply to the situation in my research area where a sense of localised solidarity may be seen to extend beyond the nation-state border. With regard to daily necessities, this interdependence can be seen in the fact that Lao traders depend on access to the Thai market while the shophouses at customary border checkpoint relied on their social networks in Laos to continue their business. When seen in the context of regional asymmetry, however, the usage of *phinong* in the border area implies exactly the opposite, namely the unequal status and one-sided dependence of Lao traders to the traders on the Thai side. From this perspective, the power relationship between the traders at the customary border checkpoints and their customers on the Lao side is not based on interdependence. Instead the regional inequality is experienced locally in the border area and finds its expression in the local usage of the term *phinong*. Thai border traders show empathy with their "underprivileged" counterparts by giving them credit and helping them access Thai health services.

Rather than interpreting the *phinong* relationship as reflecting *either* solidarity *or* regional inequality, I suggest that term implies both simultaneously and that this ambiguity defines the relationship between Thai and Lao traders in the borderland. This becomes particularly interesting when considering that Kew was born in Laos and only fled with her parents to Thailand as a child after the communist takeover. Now a resident of Thailand she had easier access to the Thai market and could act as a supplier to her Lao relatives. Even though she was not a full Thai citizen (Kew owned a Lao migrant ID card that did not permit her to travel in Thailand without permission from

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<sup>54</sup> At the same time, the Lao government promotes an image of Laos as the more authentic Tai country with a higher moral code while portraying Thailand as utterly decadent, more corrupt, and full of crime (Kislenko 2009: 153).

the authorities), she was married to a Thai citizen and had two children who were Thai citizens. She had stepped into the *phi* position of the regional Thai-Lao relationship while retaining her kinship relations and localised solidarity with the traders in her hometown. What further confirmed this ambiguity was the fact that some of my interlocutors on the Lao side used the term *ban phi mueang nong* themselves to emphasise their close, yet inferior relationship to the Thai side. This comes as no surprise as the Thai baht was the predominant currency in the immediate Lao border area and Lao villagers often travelled to the Thai side to access better health services as well as daily necessities. It brings to light how the border are simultaneously incorporates regional asymmetry with local connectedness and solidarity.

While the social networks between shophouse owners and their Lao customers were strong and based on trust, they stand in contrast to the relationships between many border market traders and Lao visitors. Border markets are places where many short- and long-distance traders and other villagers from either side of the border come together. As described above, border market traders usually travel from market to market along the Hueang River as well as to markets throughout Loei province. During my research many of those selling goods at the markets in Ban Sing, Ban Plee, and Ban Donmai came all the way from Petchabun, Khon Kaen and other surrounding provinces. Most of these traders did not have any relatives or other social relations in Laos.

At the border markets in my research area, traders and villagers from Laos strolled along the market and compared the quality and prices of goods before buying them at a particular stall. Thai traders sold their goods from within their stalls but did not normally take orders from their customers. This was only the case for the few traders who had long-standing relationships with traders across the border. But the majority of traders did not rely on such social networks. Instead, their sales success came down to offering the lowest prices. The competition between traders at the border market was very high. The competition was especially high among border market traders selling the same type of products such as clothing or cosmetics. Customers at the border markets bargained hard for the best prices.

This was the case particularly at the border market in Ban Plee where there seemed to be a growing resentment of Thai market traders against Lao customers who liked to bargain down to the wholesale price. Bargaining takes place at all markets in Thailand

and Laos, even among relatives and close friends (Hartmann 1997). But at border markets, another component was added to the relationship between traders and customers, namely the fact that the market stall owners were Thai (*khon thai*) and the vast majority of customers was Lao (*khon lao*). The increased bargaining power of Lao customers in the wake of the Thai-Lao Friendship Bridge not only made trade at border markets even more competitive but also entrenched negative attitudes and stereotypes among Thai vendors of Lao people as a whole.

When I asked one female clothes trader about her relationship with her customers, she complained: “The *khon lao* like to take advantage of me, they are deceitful (*khigong*) because they know the wholesale price from going to Mueang Loei and then they bargain down to that price. There is so much competition here that I can only get a 20 baht profit for a piece of clothing worth 400 baht. In Nongkhai, I can sell clothes to Lao customers for the same price as to Thai customers.” Another trader felt that: “Lao customers like to bargain more and even invent prices that are just untenable.” It was especially at the Ban Plee border market where customers tried to bargain to the lowest price because many of them were traders who have been to Mueang Loei themselves and who therefore knew the wholesale price for many of the goods sold at the border markets. In Laos, they could resell these goods with a profit of up to 100 per cent.

But the border market traders complained not only about Lao customers’ stinginess. It seemed to be a widespread assumption that they were thieves as well. One of the traders described a situation in which she saw one of her customers run away with a big bag of clothes without ever returning to pay. Another trader selling bread asked me to help her watch her stall one day while she and her husband were busy with their customers. It was a busy day at Ban Plee border market and I had asked to watch her and her husband bargain with their customers. Meanwhile, I was given the task of watching for “deceitful Lao customers”.

The negative characteristics attributed to Lao customers were extended to Laos as a whole. On several occasions I witnessed how the term *khon lao* was used by Thai traders and other border residents to mock Lao customers and villagers. A case in point occurred during my travels with Mu and her family along the border markets. In the early afternoon just before traders were starting to pack up, one of the Lao customers asked Mu for some water after buying clothes from her. Mu asked her four-year old son

to hand the customer a cup of water. Later, Mu's son mentioned to Mae Som that he gave water to someone and when asked to whom, he said: "To the *khon lao*". Mae Som erupted in loud laughter and told the story to the other traders while packing up. It turned into the anecdote of the day. Back in the truck, I asked Mae Som why everyone thought the story was so funny. She said it was because of her grandson calling the customer *khon lao*, which nobody wants to be called. Even those who are actually from Laos would rather say that they simply come from somewhere in the Thai border area than from Laos itself.

While the unequal relationship between shophouse owners and their social network of Lao customers is quite subtle and complex, it is much more pronounced at border markets along the Hueang River. I suggest that this has in part to do with location and economic factors. Shophouse owners have always been much more dependent on their social networks for survival and even more so since the opening of the Thai-Lao Friendship Bridge. Border market traders, in contrast, experienced a boom during the 1980s and 1990s when setting up their stalls at the ports of toleration that channelled the flow of people across the border. The opening of the Thai-Lao Friendship Bridge has increased the bargaining power of Lao customers, much to the frustration of border market traders. To channel this frustration, I argue, border traders draw on negative stereotypes of Laos that re-establishes their superiority over their Lao customers. In doing so, Thai border traders reinforce the social boundary between the Thai and Lao people as a whole, which is in line with the Westphalian logic of the nation-state border.

The final aspect I will discuss in relation to the way female traders contribute to the production of the nation-state border is cross-border mobility. As we have seen, female traders situated on the Thai side rarely went to the Lao side. Shophouse owners at customary border checkpoints either shipped goods across with the help of the local boat operators or exchanged goods on the Thai side of the Thai-Lao Friendship Bridge. Border markets were situated on the Thai side and benefited from the customary border checkpoints as well as the Bridge that channelled the flow of customers directly to them. This does not mean, however, that all female Lao traders were highly mobile. As I demonstrate in the next section, their cross-border mobility varied according to location as well as the gendered division of labour of their trading business.

## **CROSS-BORDER MOBILITY**

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It has been shown that the improvement of infrastructure and access to the world market increases the social mobility of female traders as it gives women a wider scope for getting involved in trade and raises their status in society (Suparb 1989). The construction of roads and highways in Laos, for example, has helped female traders in roadside villages to change their pattern of traditional activities and to increase their household decision-making power (Ireson 1996). When border regulations along the Thai-Lao border relaxed in 1990s, furthermore, Lü women in Sayaboury province started practicing their tradition of cotton weaving again, sold their products at the weekly border market, and later engaged in contract weaving. Their additional income led to a shift in hierarchies and priorities in the household (Kusakabe 2004). It seems that women's positions in the household are changing over time through empowerment in the economic sphere.

While women's social mobility is increasing, taboos and anxieties around their geographic mobility still exist to some extent in Thailand and Laos. These taboos are based on the assumption that women's responsibilities in the household are not compatible with travelling long distances. The sedentary role of women is often contrasted with an emphasis on men's adventures and travels (Mills 1999: 97f). In the mid-1990s Mills reported about a phenomenon she calls the "widow ghosts scare", which was a six week period during which rural communities in Northeastern Thailand were afraid of being attacked by deadly female spirits who were "looking for men to kill and take as 'husbands'" (1995: 245). Mills finds that the scare came to the fore amongst a growing concern about "the unnatural and dangerous consequences of allowing women to roam freely, their bodies and sexual powers unconstrained by the controls of society or of men" (Mills 1995: 257). More recently, dangers associated with migration such as trafficking, slavery, and imprisonment when caught by authorities have perpetuated such anxieties about women's mobility (Hewison and Young 2006; High 2009).

My own experience confirms that such anxieties still exist to some extent. As a young unmarried female researcher I had to explain my situation time and again amongst my interlocutors in Thailand and Laos. The first question I was usually asked after explaining my research objective was "How many people are in your group?" Having clarified that I was on my own, I often received reactions of bafflement. Because of my

social positioning, the teacher who accommodated me in her home in Ban Thong elucidated appropriate ways of behaviour that included limited mobility, e.g. that I should under no circumstances be out of the house on my own after dark. Some of my interlocutors were also surprised that I was riding alone on my motorbike from village to village, which included spaces of uninhabited forest and plantations where I could, as one female trader put it, get “kidnapped” or even “murdered”. It is interesting that the female trader who expressed these latter comments worked as an individual border trader who travelled to Mueang Loei on a regular basis to buy goods, delivering them to the customary border checkpoint in Ban Sing. She maintained an utterly mobile livelihood.

For several of my interlocutors, household responsibilities did have an impact on their geographic mobility. Some types of traders have found ways of integrating motherhood with a mobile lifestyle as we have seen in the case of female border market traders. In his study on cross-border trade between Thailand and Laos, furthermore, Walker found that many small-scale long-distance traders were young and unmarried, or older and divorced or separated from their husbands (Walker 1999: 139). Large-scale traders, in contrast, conducted trade together with their husbands. In my own research long-distance middlewomen who conducted small-scale trade were often accompanied by their husbands or travelled together with other women. When they had small children, they were only able to engage in cross-border trade when they had a relative who could take care while they were gone.

Here, I look at the cross-border mobility of female traders with a particular focus on Lao traders. This is because traders on the Thai side generally crossed the border less often than Lao traders to whom cross-border mobility was often essential. Inspired by the typology of Ortiz and Contreras (2014) in their work along the US-Mexico border, I differentiate between traders to whom the act of crossing the border was a background aspect of their everyday life, and those traders to whom crossing the border was an integral aspect of their everyday life. While Ortiz and Contreras (2014) look at four different types of border experiences among border residents (the uncrossed border, the border as background, the everyday border, the transposed border), I use two of these categories to highlight the experiences of female traders in my research area. In their work, Ortiz and Contreras (2014) highlight the important point that not everyone who lives along the border also crosses it (see also Vila 2003). In addition to this, I suggest

that the necessity and regularity of crossing the border can change over the course of one's life.

The female traders to whom the border was a background feature of their everyday life experience includes the Thai shophouse owners, border market traders as well as many of the Lao female traders at the central market in the Lao town across from Ban Sing. These traders benefit from the border and the economic asymmetry between Thailand and Laos by buying and reselling goods at a profit. They do not cross the border as part of their everyday life, despite existing linkages with kin and non-kin across the border. As Ortiz and Contreras (2014) write: "This type of experience suggests that physical adjacency does not suffice to enable crossing, which also requires certain economic and social resources, particularly access to cross-border family networks. The border is experienced as a backdrop permeating the life experience of people who only occasionally cross the border" (2014: 47).

In the case of the US-Mexico border, the people in this category did not cross the border because of the difficulties imposed by the US border controls. This resonates with the reasons provided by Mu, the border market trader mentioned above, for not crossing the border despite having kin in Lao border villages. Mu's experiences with and perceptions of the Lao state and its border controls were echoed by many of the border residents on the Thai side of my research area as a reason for not crossing over. They either had bad experiences when crossing over the border or were of the opinion that Lao state officials do not adhere to the law. A common phrase was: "They are not the same as us. They don't do what they say they will do. They do not have the same rules as us." Mu and her family, for example, lived very close to the customary border checkpoint in Ban Donmai. But they hardly ever crossed over the border since the communist takeover in 1975. In fact, the first time we spoke, Mu told me that she had no relatives on the other side of the river and that she never went to the Lao side at all. After getting to know her better, she explained that she did go to Laos occasionally for weddings and other family ceremonies.

Mu explained that it is difficult to cross over to Laos "because of all the rules and regulations". She not only had to pay a fee at the checkpoint but was also required to return the same day. She was not allowed to stay overnight. If she did stay overnight "they will arrest us", she said (referring to Lao state officials). She also felt that Lao



state officials at the border-crossing were very suspicious of drug trafficking: “They stare at me, suggesting that I am carrying drugs!” This made her feel uncomfortable. Another trader said that the Lao state officials had not allowed her husband to cross over the checkpoint one time because he was wearing short trousers, which were against the accepted dress code set by the Lao government. These experiences cultivated a negative perception of the Lao state, underpinned by people’s memories of the time before the communist takeover, and the national discourse of distrust against the communist-led state in Laos.

While the border was also a background feature for Kew, she did cross over the border sometimes, though not regularly, for many different reasons. One was to maintain good customer relations by visiting her customers in their homes. This also gave her the opportunity to collect money and take up new orders from them. She also attended the annual village festival in her hometown. As I will elaborate in Chapter 5, Kew did not experience the same difficulties of crossing over the border as Mu. This was due to the social relationships she had established with the border guards on both sides of the border. When she was away her shop assistant took over the shop rather than her husband.

In contrast to Kew’s husband, her cousin Jeng who ran a business with his wife on the Lao side was also engaged in the customer-facing aspect of the business. He was responsible for the daily necessities in the inside area of the shop while his wife, named Dao, sold fresh foods in the outside area. Nevertheless, Dao was the holder of the purse strings and managed the finances of their business. Dao was also the one who had brought her husband into the business. Her parents had owned a construction company and when Dao’s younger sister took over the business, Dao opened a shop selling fresh vegetables and fish next door. When she married Jeng, he joined her business.

When the government opened the central market in the Lao town of Ban Sawan in 2009, all shops situated throughout the town that sold daily necessities, fresh foods, and clothes were forced to move their businesses to the central market. At the central market, Dao and Jeng continued selling fresh food and added daily necessities to their shop, which they received from Kew via the Thai-Lao Friendship Bridge (they also received the fresh food from a Thai trader via the Bridge). Every day, Kew’s husband delivered a pick-up truck full of daily necessities to the Thai side of the Thai-Lao

Friendship Bridge where Jeng picked them up. This meant that crossing the border was in fact an integral part of Dao and Jeng's business. However, it was only a background feature for Dao as it was her husband who crossed the border on a daily basis, which included lifting and packing the goods into his truck, and paying customs duties at the border.

In both Dao and Kew's cases it was their husbands that were responsible for the aspect of the business that required geographic mobility, and in Jeng's case cross-border mobility. Nevertheless, Dao had been across the border a few times. She had been to Mueang Loei and visited the new supermarkets there. But she said she could not afford to go more often than once every few months because she had to keep the shop open twelve hours a day, seven days a week. When she and her husband went to Mueang Loei together, they had to close their shop, losing money on those days. When she was ill, she did not go to the Thai side but to the local clinic in Ban Sawan. Kew and Dao's examples demonstrate that female cross-border traders can be restricted in their geographic mobility based on the gendered division of labour. This is very different to the female traders further inside Sayaboury who act as middlewomen, taking orders from traders and buying them in Mueang Loei on their behalf. Many of these middlewomen travel together with their husbands while others travel together with other female traders in order to minimise costs. To exemplify how the border can be part of the everyday life experience of female traders, I will elaborate the situation of one of these middlewomen.

During my research, many such middlewomen crossed the border on a weekly basis, travelling across the border to Mueang Loei on a Friday and returning to the Thai-Lao Friendship Bridge to stay overnight in tents in front of the administration building. On the Saturday morning, they bought fresh food and any remaining goods at the border market and then returned to Sayaboury province to deliver the goods to their customers. One of the middlewomen who travelled to Mueang Loei on a weekly basis was a trader in her 30s named Lida. She was from a town further inside Sayaboury province. She had been engaged in this kind of trade for the past four years. She had started trading in order to complement her husband's meagre government salary. Her husband was a high-ranking military officer who earned 5,000 baht per month. At the time of their marriage 20 years ago her husband earned 4,000 baht per month. Lida said that this was not enough for them and their three children to live on so she started engaging in trading

activities. At first she bought vegetables from the local farmers in the area and sold them at the market in her hometown but this did not increase their income by much. Four years ago, however, a friend introduced her to the trade in daily necessities between Loei and Sayaboury province. She started travelling together with her friend, thereby learning the ins and outs of the business, and then started conducting her own trade. At the time of my research, she was earning more money than her husband and was the main income provider for the family.

When she started her business, Lida explained, the roads had not been improved yet and it could take up to three days to drive to the Thai-Lao Friendship Bridge. Trucks would get stuck in holes in the street, creating traffic jams and road closures. She had to sleep along the roadside then. Her three sons were already in school and could take care of themselves by the time she started her business, allowing her to go on extended journeys as needed. It was only in 2010 that the roads in Sayaboury province were improved so that it now only took her a few hours to travel to the Bridge.

It cost Lida 2,300 baht for gasoline to travel to the Thai-Lao Friendship Bridge and back. She charged 300 baht for any passengers who wanted to go to the border and another 300 baht for the ride back. Once she crossed the Bridge, it her cost another 1,300 baht for a local driver to take her to Mueang Loei and back. She usually shared the cost of the driver with at least one other middlewoman. When crossing the border with a normal load of goods, Lida said paid a 200 baht fee for export documents on the Thai side and then 2,000 baht for Lao customs duties. She said that Lao customs officers usually made her pay too much but that she could usually negotiate with them by explaining that she would not make any profit if they made her pay too much. She complained: “The Lao customs officers are only there to take money off you, they only think about themselves and how they can get rich. They don’t think much about the hardships of others. They only want to build nice houses for themselves and their families and take the money off the traders at the bridge.” While I will discuss the negotiations and interactions between traders and state officials in more detail in Chapter 6, suffice to say here that Lida perceived Lao state practices at the border as arbitrary and predatory. Being married to a soldier did not help her case in this situation.

As I accompanied Lida on one of her trips back to her hometown inside Sayaboury province one day, we stopped at a fresh food market where she bought a large bucket of

catfish. For this, she had to pay another tax at a duty station along the highway. Lida explained that this was a kind of “agricultural tax” (*kasikam*), which was not high but necessary. She remembered driving past the duty station by accident one day: “The officers rushed to their vehicles and raced behind me with a siren on, stopping me and making me pay the tax.” While it is unclear what kind of tax this was exactly, the story confirmed that the state was an important aspect of Lida’s everyday trading experience.

The account of Lida’s trading practices confirms how women’s geographic mobility can increase their social mobility. Since starting her trading business, Lida had become the main bread winner in her family. It also shows how competitors work together in the business by sharing costs of travel. With regard to the border, Lida’s example also demonstrates how the border can be more present in the lives of female long-distance traders than in the lives of those who engage in localised trading practices in close proximity to the border. This confirms the diversity of trading practices as well as the diverse ways in which women engage in the small-scale trade of daily necessities across the nation-state border. As in the case of all female traders involved in such practices, Lida made a living through arbitrage, profiting from the scarcity of goods in Laos and the price differences between Thailand and Laos. By negotiating with the Lao customs officer, however, Lida also resisted the border to a certain extent.

## **CONCLUSION**

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In this chapter I sought to highlight how female traders as non-state actors contribute to the articulation of the border throughout their everyday life. I covered the three aspects of integrating work and family life, social networks, and cross-border mobility. In each of these sections I have demonstrated how the border is produced, transgressed, and reinforced through different practices. In terms of family life, for example, women have found ways of integrating their domestic responsibilities with their trading activities. Both shophouse owners and border market traders on the Thai side of the border are able to raise their young children while at the same time engaging in trade. They are able to maintain long-standing businesses that sometimes last over generations. In doing so, they exploit and perpetuate the economic asymmetry between Thailand and Laos, and the dependence of Lao border villages on the Thai side of the border.

When looking at the social networks that exist between traders across the border, however, it becomes clear how kin or kin-like relationships straddle the nation-state

border, thereby transcending the isomorphism of people, territory, and sovereignty of both nation-states. The maintenance of cross-border social networks is an integral part of the trading business for shophouses at customary border checkpoints. These social networks are built on trust and reciprocity, and extend to the private domain where traders invite and celebrate with each other at festivals. At the same time, the terminology used to describe these relationships (*phinong*) implies a power relationship that reifies the significance of the border.

My findings further show that border markets are places where the negative stereotypes associated with Laos are cultivated and reinforced. While shophouse owners referred to their Lao customers as siblings (*phinong*), border market traders protected their goods from the thieves among their “deceitful customers”. The difference between maintaining regular relationships with other traders (as in the case of shophouse owners) and selling goods to strangers (as in the case of border markets) is a major aspect here. While shophouse owners sold goods to their regular trading partners during most of the week, they also encountered customers they were unfamiliar with on border market days. On these days, shophouse owners pulled up iron gates around parts of their shops to prevent theft.

In terms of cross-border mobility, female Lao traders generally crossed the border to Thailand more often than Thai traders. In some cases, however, female Lao traders only crossed the occasionally border for purposes leisure while relying on boat operators or their husbands for the delivery of goods across the border instead. For long-distance middlewomen, however, cross-border mobility was an integral part of their everyday lives. By engaging in arbitrage, middlewomen took advantage of and perpetuated the economic asymmetry between Thailand and Laos that was upheld by the nation-state border. By being able to negotiate a lower customs tariff with Lao customs officials, they were also able to evade the fiscal aspect of the border, weakening the Westphalian logic of the border to a certain degree.

The livelihoods of such middlewomen were deeply affected by the border even though they lived up to 200km away from the border. The business of buying goods in Thailand and reselling them to other traders throughout the province allowed them to contribute financially to the family household and increase their socio-economic status. In these cases, cross-border mobility came with social mobility. The same goes for the

Lao and Thai female shop owners living in closer proximity to the border. They were able to draw on social networks across the border throughout changing border policies as a survival strategy. Thai female border market traders were not so much affected by the border than shaped the border in important ways. As I discussed in Chapter 2, border market traders set up their stalls in Thai border villages on a regular basis as soon as trade restrictions along the border were relaxed in the 1980s. In doing so, they attracted hundreds and thousands of Lao villagers to Thai border villages across the checkpoints and prompted the opening of further checkpoints along the Thai-Lao border.

Apart from the border, the lives of the women introduced in this chapter are shaped by many other factors that affect women in other more rural areas around Thailand and Laos as well. They include the gendered division of household responsibilities, the tension between being a “modern woman” who travels and works or studies in city, and being a “dutiful daughter” who stays at home and cares for the family. This rural-urban factor is interesting when applying it to the Lao side because to many female Lao women, the Thai side and Mueang Loei more specifically was considered the modern city rather than Mueang Sayaboury. Although I did not study this aspect in detail, I suggest that engaging in small-scale cross-border trade was a way of “being modern” while at the same time they were able to fulfil their duties at home.

It thus becomes clear how different the experiences and everyday lives of female traders engaged in the cross-border trade in daily necessities in my research area were and how differently they engaged with the border. In the next chapter I will provide insight into the lives of the state actors in my research area and how they were embedded in the local culture and society of the borderland. As I will show, they also constituted a part of the social networks of female traders, which often blurred the lines between the state and society.

## CHAPTER 4

### IN SEARCH OF THE STATE

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#### INTRODUCTION

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During the latter part of my research I went on a trip with a trader family who sold clothes at border markets along the Hueang River (Chapter 3). In the mornings while the family set up their stall I would wander around and observe how villagers from Laos crossed over the border to shop at the Thai border market. One morning at a market that was about an hour away from my research area I recognised a man who was buying pork at one of the fresh food stalls. He was dressed as if he was about to work in the rice field and I could not remember from where I knew him. It was only a few weeks later that I discovered why he had seemed familiar – as I met him again at one of the customary border checkpoints in my research area, clad in his black paramilitary Ranger uniform. The Ranger had noticed me at the border market as well and explained that I had seen him in his hometown during his eight days of leave that month. He had grown up in the border area and was deeply familiar with the kind of small-scale trade conducted at such border markets.

Two months later I crossed over to the Lao side to attend the annual festival in Ban Sawan. I had got to know some of the female traders who sold daily necessities at Ban Sawan's central market and followed them to the street parade. In the early afternoon I was invited to have food and drinks with them and their families. During my casual conversation with one of the traders' husbands I came to understand that he was in fact a policeman. His questions about how I had crossed the border had not given me any indication of his occupation, as this was one of the first questions other villagers on the Lao side asked me as well. It was only when he emphasised the fact that people in the Lao borderland should be using the Lao currency throughout their everyday lives rather than the Thai baht, that I asked whether he was in fact an agent of the state.

The fact that my relationships with female traders had led me to the home of a policeman was intriguing. But it reminded me that both the Thai paramilitary Ranger and the Lao policeman are not only agents of the state. In everyday life they are also "multiply positioned citizens" (Gupta and Sharma 2006: 27) with their own historical and educational background, ethnic and national identity, preconceptions and

prejudices, and intentions to act in a certain way. They are also part of a culture (or a multiplicity of cultures depending on one's definition) that influence their way of thinking and acting. In fact, both individuals mentioned above were born and raised in the area where they now operated as agents of the state. As individuals they were embedded in the local culture and society of the border area.

Having elaborated my approach to the embeddedness of state actors in society at length in the introductory chapter of this thesis, let me reiterate a few points. Acknowledging that state actors are embedded in local societies and cultures allows us to examine state practices at the micro-level. Rather than comparing the practices of state actors to Max Weber's ideal-type bureaucracy, an acknowledgement and extrication of their embeddedness in society makes it possible to see how the state comes into being in all its forms, particularly where the line between the state and society is blurred. This implies a more localised approach to the state instead of seeing it as a monolithic, unitary entity. In her insightful work on bureaucratic migrants in Laos, Singh also argues in favour of what she calls a "personalised approach to the state" when saying: "[...] Awareness of bureaucrats as individuals, citizens and part of a broader society expands the view beyond characteristic assumptions that these people are only either honourable or dishonourable agents of the state" (Singh 2012: 120).

The social embeddedness of state actors and the way it blurs the state-society dichotomy is an important aspect of my thesis. It helps us understand how the border is made and unmade, enforced, resisted, and rearticulated within this blurry realm between state and society. As mentioned in the introductory chapter, an exploration of how the border comes into being necessarily involves an enquiry into state practices as it is representatives of the state who implement border policies and maintain the sovereignty of the state at its territorial edge. Scholars such as Gupta (2006) use a similarly micro-level approach by looking at the practices of different agencies, agendas, levels, and organisations that constitute the state. My approach goes one step further in considering the embeddedness of state actors in their everyday life and how this embeddedness affects their practices as agents of the state. This does not mean that state practice is determined by a reified local culture. Rather, what is of interest here, is the ways in which state actors are influenced by, and themselves influence, the complex interplay of state domination, the agency of non-state actors, and cultural norms through space and time (Bourdieu 1977).



In this chapter, I thus provide insight into the situation and lives of the most relevant actors that represent the state in my research area and who play a major role in the way the border comes into being. They include the village headmen in Thai border villages, the Thai paramilitary, as well as Lao state officials. My opportunities to research the everyday lives of these actors were limited, particularly on the Lao side, so my ethnographic findings are based on interviews, observations, as well as the information I was able to obtain through my work with female traders. The latter was particularly revealing with respect to practices of gift-giving between state and non-state actors, as well as the additional sources of income used by Lao state officials.

In the final section of this chapter I look at how the Thai and Lao states were differently perceived by Thai and Lao border residents in my research area. The differences in perception became obvious very early on and impacted the inclination of Thai and Lao border residents to travel across the border. The study of how the state is perceived, how it is talked and thought about by non-state actors can be very revealing when seeking to understand how the state constitutes itself on the ground. Studying the state in this way provides insight into the way the border comes into being in everyday life as well. Using this approach in their research on Laos, High and Petit (2013) found an ambiguity between the “glorious” images of the Lao state as symbolised by billboards adverts while in more hidden settings, “horror stories” of the state emerged – stories of violence, corruption, and injustice. They conclude that “state-making in Laos today, [...] is as much about moral reasoning, local conceptualisations of authority, and conceptions of hope as it is about policy and procedure” (High and Petit 2013: 429).

This ambiguity reflects the complexity of the everyday life of the state. While the everyday life of the state is subject to change on an ongoing basis just like any other social practice, there are also certain regularities that make it a very mundane affair. While on duty, state officials engage in worldly activities such as raising dogs, having afternoon naps and watching the evening news on TV. Instead of beginning with assumptions about the state in terms of its power, force, and violence, I seek to bring forward an account of the ordinary and routine aspects of state-making and bordering, whatever these may entail.

In “The Golden Peninsula”, Keyes describes village headmen (*phuyaiban*) as “agents of the state” and “local representatives of the state’s authority” (1977: 153). During the colonial period the Thai law was changed in that *phuyaiban* had to be elected by local villagers. However, Keyes states that such elections often still serve merely to confirm the right to office of a person who was appointed by a government official or whose claim may be based on kinship relations (1977: 154). In his research on local government elections, Walker (2008) further found that there was a higher preference for candidates who were from the local area or village. This was expressed as an inclination towards those who were from *ban hao*, which can be translated as “our village”. Walker remarks that while *ban hao* is an adjustable spatial referent, candidates were readily assessed in terms of their local linkages (Walker 2008). If villagers lose confidence, however, *phuyaiban* can be removed anytime. Although, as De Young reports, it is not uncommon for a respected *phuyaiban* to stay in office until his retirement or death (1966: 18).

These scholarly findings are largely in line with my own findings. The only difference is that at the time of my research, local legislation was such that a *phuyaiban* had to be elected or re-elected every five years up to the age of 60 at which point he or she had to retire. Otherwise, all of the *phuyaiban* in my research area were born in the village where they were elected – this reinforces the preference for candidates from “our village” as Walker has noted. Also confirming De Young’s finding of *phuyaiban* staying in office for many years, one of the *phuyaiban* in my research area had been in office for nearly twenty years. He was born and raised in the village he now oversaw as headman. As a teenager he had lived and worked as a teacher in the Lao village across the river. He returned to Thailand after the regime change in Laos and became a middleman for consumer products, buying goods in Mueang Loei and selling them to villagers in Laos. During the time of my research, he continued this business as middleman albeit in smaller fashion while fulfilling his duties as *phuyaiban*. As a teacher and businessman, the *phuyaiban* was not only highly respected within the village but also seen as an approachable fellow villager.

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<sup>55</sup> I will use the Thai term *phuyaiban* when referring to both village headmen and headwomen as the term is gender neutral.

However, in his work published in 1977, Keyes states that *phuyaiban* are always male (1977: 154). In contrast to this, one of the *phuyaiban* in my research area was female. She had been in office for four years. In one of my interviews with her she explained how she had become village headwomen: "I didn't intend to be *phuyaiban* because society doesn't accept women to be *phuyaiban* but the villagers encouraged me. I had been a village health volunteer and the villagers saw that I work hard so they pushed me to become their *phuyaiban*. It feels natural to do this kind of work." This not only reinforces the aspects of origin and respectability for potential *phuyaiban*. It also demonstrates that these aspects may be even more important than gender.

According to Keyes (1977) and LePoer (1989), the *phuyaiban*'s duties include arbitrating civil disputes and implementing the directives sent to him by the district administration (*amphoe*) (Keyes 1997: 154; LePoer 1989). At the same time, however, a *phuyaiban* also represents the villagers to the state. Keyes mentions that because of this, a *phuyaiban* may decide not to report a crime to the state due to the pressure put on him by fellow villagers. On the other hand, he may be ordered to recruit workers for the construction of local infrastructure despite the villagers' unwillingness to contribute to the project (Keyes 1977: 154). In accordance with Keyes and LePoer's findings, the *phuyaiban* of Ban Sing described his duties as twofold: "If there is a problem in the village, then I must take care of it. I also have to take care of the tasks from the district administration. If there are any problems that go beyond my responsibilities, then I have to report them back to the district administration."

An important aspect of the *phuyaiban*'s responsibility was to represent the state to villagers while at the same time voicing the concerns of villagers to the state. The dilemma this often created for the *phuyaiban* themselves became particularly evident with respect to local border regulations. As elaborated earlier in this thesis, regulations along this part of the Thai-Lao border changed drastically after the communist victory in Laos in 1975 and again after the opening of the Thai-Lao Friendship Bridge in 2004. After the Bridge became the official border-crossing site, some of the local checkpoints were closed and others turned into customary border checkpoints. It became illegal to cross over the river outside the Bridge or the customary border checkpoints. When these border regulations were put into place, villagers were informed about this by their *phuyaiban* via the village loudspeakers. In fact, in all of the Thai villages in which I conducted research, the *phuyaiban* had access to a microphone that was connected to

loudspeakers, which had been installed along the main roads of the village. Every day in the early morning and evening, the *phuyaiban* would inform their fellow villagers of any important news and policies.

Despite this communication of new policies, there were many local border residents who crossed over the river outside the official checkpoints on a regular basis. In an explanation of this situation, one of the *phuyaiban* expressed appreciation of the new border regulations but seemed to side with his fellow villagers in terms of not complying with the regulations: “We told them [the villagers] not to cross over the river but over the Bridge instead. But before they used to cross here and so there must be some [villagers] who continue to do so right? It is impossible to just prohibit them from crossing over the river. From that side [Laos] they also sneak in but it is no problem – just try not to get caught.”

The *phuyaiban*’s opinionated description of the border situation brings to light his position in-between the state and society. He is an agent of the state, yet at the same time he represents the people of his village to the state. With regard to the new border regulations that interfere with, or even impede, his own everyday life as well as that of his fellow villagers, he defended the act of crossing over the border outside official checkpoints, which to some may be seen as circumventing or even resisting the state. I will discuss this in more detail in Chapters 5 and 6, arguing that the enforcement of local border regulations depends on factors that go beyond the law, namely on history, regularity, familiarity and social relationships. It is on these grounds that state officials tolerate the act of “sneaking” or conducting small-scale trade among border residents to a certain extent. Instead, they focus on activities they consider to be illicit such as drug smuggling.

As in many other border areas, possessing and/or dealing drugs is a common occurrence and punished on both the Thai and Lao sides. All of the *phuyaiban* I interviewed mentioned drugs as a major problem in the area. It was mostly teenagers who consumed, dealt and smuggled them across the border. Drugs in my research area consisted mostly of methamphetamine pills, which are produced in Laos and sold to Thai teenagers across the border (The Nation 2004). Several teenagers have brushed with Thai and Lao laws due to such activities. When encountered by Lao authorities while crossing the border with drugs they are usually sent to the local Lao jail. In such

cases, the local *phuyaiban*'s duty is to facilitate the Thai villager's return. One of the *phuyaiban* described this process of facilitation, noting at the same time that he has never been permitted to see the Lao jail: "[We] just pay the fine over there [on the Lao side] and they will tell you when to come and pick him [the Thai prisoner] up. I have gone many times to get back the villagers who got caught but they won't let you see the jail... I just tell him [the officer] the name and they will tell me to wait at the bridge and they will go and get them."

The *phuyaiban*'s duty of facilitating the repatriation of villagers from Laos is very specific to the border area. The duty itself underlines once more that despite being an agent of the state, the *phuyaiban* also represents the villagers vis-à-vis the state – although in this case, the Lao state. The fact that Thai *phuyaiban* are prohibited from viewing the local Lao jail, however, indicates a lack of trust between local Thai and Lao authorities. This lack of trust feeds into the common perception among Thai villagers of the Lao state as harsh, unruly and with an arbitrary law enforcement. All of the *phuyaiban* I spoke to also perceived the Lao state this way. This became particularly evident in their comparisons of local Thai and Lao states' practices of punishment, which I will come back to in a later section.

## **THE SITUATION AND LIFE OF THAI PARAMILITARIES**

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On the Thai side of the customary border checkpoints, the state was represented by Thailand's paramilitary border guards called *thahan phran*. The term literally means 'hunter soldiers' but is usually translated as Rangers (Ball 2004). This paramilitary force was established as part of the Royal Thai Army in 1978 with the purpose of fighting the insurgency by the Communist Party of Thailand (CPT) in the Northeast. After the Vietnamese invasion in Cambodia in 1978, *thahan phran* were sent to protect the Thai-Cambodian border and control refugee camps. Since then the *thahan phran* have replaced the army in many areas including the Golden Triangle. They generally act as a front-line force in Thailand's more troubled border areas.

In terms of recruitment, the initial idea was to employ civilians from areas around communist strongholds, give them weapons training, supply them with weapons and then send them back to their villages to fight against communist insurgents (Ball 2004: 9). Many recruits were convicted criminals who were paroled upon becoming Rangers. Some were civilians drawn from existing organisations such as the Village Scouts.

Other recruits were enticed by the promise that they would receive land while others wanted simply to show their devotion to their country. By the end of 1981, there were 13,000 *thahan phran* in 160 companies, which decreased to 10,600 Rangers in 2004 (Ball 2004).

The Rangers in my research area belonged to the 21<sup>st</sup> regiment of Loei, which has ten companies. The company in my research area covered seven duty stations and at the time of my research was 70-80 men strong. *Thahan phran* are easy to spot due to their conspicuous black uniforms, the insignia of a bat on their vest and the phrase *rau su* (we fight) on their sleeve (Image 8). They often carry their M-16 rifles around with them while patrolling the area. One Ranger regularly carried his rifle around with him even while clad in civilian clothes. The duty stations in my research area included customary border checkpoints as well as the company headquarters. A group of 5-6 Rangers was stationed at each customary border checkpoint. Individual Rangers would usually change duty stations every 2-3 months, although in some cases they would stay up to several years. Over the course of my research, I would therefore sometimes get to know an individual Ranger at one customary border checkpoint and encounter the same Ranger as he worked at another checkpoint a few months later. One of the Rangers suspected that the objective of this rotation system was to prevent them from “getting involved too much and also to not get bored”.



**Image 8: Uniform of *thahan phran* at customary border checkpoint (Source: Author)**

Getting involved and socialising with the local population was often inevitable though. The vast majority of Rangers I met in my research area were from Loei province and

some of their homes and families were located merely 20km away from their duty station. Many of them would use one of their family's motorbikes to drive around their duty area and to visit their family during their days off. As a paramilitary organisation within the Royal Thai Army, Rangers have the same working pattern as army soldiers, working 30 days in a row and then receiving 8 days of leave. The Rangers in my research area usually went home to visit their families during this period. They knew the local area well and spoke the local dialect. This allowed them to easily communicate with the local villagers from both sides of the border and become easily embedded in the area of their duty station, although this varied according to an individual's personality as well (Chapter 5).

This social embeddedness was reinforced as Rangers were often engaged in "worldly activities" (Ball 2004: 6). They could be seen growing vegetables and visiting local markets in both their uniforms and civilian clothes. At several of the customary border checkpoints in my research area, Rangers kept animals including Labrador dogs and songbirds<sup>56</sup>. While most of the Rangers resided in a shared house at their duty station, one of the Rangers I met was renting his own house across from the border checkpoint and staying there together with his wife and daughter. After he had worked at the same duty station for two years, his wife and daughter decided to move there as well. When I started my research, the Ranger's wife had just opened a noodle shop in front of their home and their daughter had just started going to school in the local village. In fact, after a few months I was regularly having lunch at the Rangers' wife's noodle shop, visiting the Ranger and his colleagues at their duty station and teaching his daughter English during my voluntary English classes at the local school.

The Ranger's embeddedness in the local community stands in contrast to reports from other border areas where Rangers have become known and even feared for their involvement in political corruption and human rights violations (Ball 2004). The height of such atrocities was in the 1980s when Rangers were newly recruited to fight communist insurgents. More recently, Rangers have been criticised for their incompetence and brutality during their operations in Southern Thailand, which have

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<sup>56</sup> In fact, training songbirds has recently become a more popular activity in the Northeast of Thailand and a few other villagers were raising such songbirds and training them to sing at competitions. Having originated in Southern Thailand, these competitions are now also held in Northeastern Thai cities such as Udon Thani and Loei. While there is no monetary prize at the competition itself, winning birds can be worth several hundred thousand baht (see also Anderson 2005). At the border to Laos, the birds are usually bought off a villager on the Lao side who catches them in the forest for around 100 baht.

increased since 2002. International Crisis Group reports on incidents of torture, rape and extrajudicial killings carried out by Rangers against Muslim civilians in the South (ICG 2007). The report also mentions some of the reasons why the military prefers to deploy Rangers to troubled areas instead of commissioned soldiers, which include Rangers' knowledge of the local areas and their local social networks but also the fact that their labour is cheaper.

In fact, during one of my first interviews with a Ranger in my research area, he said that Rangers receive an initial salary of 8,000 baht a month, which then increases over time. Despite their low salary, Rangers are considered part of the military and therefore have a high social status, which is even higher than that of teachers (Ball 2004: 3). Within the military, however, they have a lower status than commissioned soldiers who not only receive a higher wage but also require higher educational levels upon entry. In fact, an army soldier who was helping out on a temporary basis at one of the customary border checkpoints had been made head of the duty station immediately upon arrival. Furthermore, quite a few of my informants mentioned that they had tried to enter the army. It was only after they failed that they applied to become Rangers instead. As one Ranger explained: "I come from a border village, just 30km from here. I finished school after Mor 6 (12<sup>th</sup> grade) but then I did not want to work. I did not enjoy farming or working in the fields. I also did not want to work in a company. So I lived with my parents until I was 23 and then applied to become a soldier in Udon Thani. But I failed the test. So I went to Dansai [*thahan phran* headquarters in Loei province], applied to become a Ranger and I passed." This particular Ranger was clearly enjoying his occupation as he could often be seen socialising with the boat operators at the customary border checkpoint, sitting and eating with them in their hut and singing Isan folklore songs with them.

Another difference between Rangers and commissioned army soldiers is their initial training period. Most of the Rangers I interviewed had been a Ranger for 20-30 years. They had become Rangers during the height of the communist insurgency and said they had been attracted by the opportunity to fight for their country. According to their statements, the initial training period was only one month and then one additional month each subsequent year. This is even less than the 45 days mentioned by Ball in his insightful work on the *thahan phran* (2004). Indeed, the consequences of such minimalist training and induction was reflected by a discussion I had with a Ranger who



had just finished his training and was newly stationed in my research area. He was from Mueang Loei. When I spoke to him he was convinced that there were two Thai-Lao Friendship Bridges in the area. He explained that one Bridge could be reached when travelling on the road to the right of the customary border checkpoint and the other Bridge could be reached when travelling on the road to the left. In reality, both roads led to the same Bridge.

The differences in-between individual Rangers, their knowledge, attitudes and actions within the various units throughout Thailand have resulted in a reputation ranging from “an elite-screening force guarding borders to a bunch of armed thugs in black uniforms” (Ball 2004: xv). But the Rangers’ attitudes and actions are also dependent on the location and level of conflict around their duty station. Many of my interlocutors had been stationed in Southern Thailand and more recently along the Thai-Cambodian border to assist in the conflict around the Preah Vihear temple. One Ranger had been directly involved in the fighting there. While I interviewed him inside the boat operators’ hut at one of the customary border checkpoints the boat operators listened in awe as he described how he had to find protection in bunkers while both sides exchanged fire for several days. He proudly showed us his scars from the bullets that hit his arm during the shooting. When I asked him how the Thai-Cambodian border was different from the border here, he responded: “The situation here is extremely peaceful...there is nothing here...it is very easy to live here”. Other Rangers mentioned a constant threat of malaria along the Thai-Cambodian border and that they had needed local translators to speak to the local Khmer population. All of the Rangers I spoke to preferred to work in the duty station where they were now and one of them clearly stated the advantages: “Well, I have my own home nearby so it is very convenient for me here. If I have the choice, I will always choose to work here.”

The level of conflict in the border areas where Rangers are stationed also has an effect on the kind of work they engage in on a daily basis. According to one of the Rangers’ supervisors in my research area, their main objective was to protect (*bongan*) the villages and people along the border. He said that on a day-to-day basis, Rangers were mostly occupied with searching for smugglers of drug, cars and motorbikes. They patrolled the border by car, on foot or on the river by boat. At customary border checkpoints, Rangers were responsible for checking border-crossers, their documents and the goods they carried across. There were no official meetings or joint trainings

between Rangers and Lao authorities although the supervisors of each side of the checkpoints did communicate with each other by phone to discuss current matters. Rangers could also be seen at the Thai-Lao Friendship Bridge where they provided security and searched arrivals from Laos for drugs and other illegal products. During the time of my research, Rangers were using a metal device with a long antenna when searching people for drugs at the Bridge as well as at customary border checkpoints (Image 9). Apparently, the antenna moves and points to wherever drugs are located. While this drug detecting device (GT200) and its effectiveness has recently come under international scrutiny (Saksith 2013), it still presents a visible manifestation of state/military power in the border area.



**Image 9: *Thahan phran* with drug detecting device (GT200) at Thai-Lao Friendship Bridge (Source: Author)**

With regard to their duty of patrolling the border for illegal trading activities, Rangers in my research area seemed to define “smugglers” (*khon laklob*) merely as those who transport motorcycles, cars and other high value goods across the river rather than consumer products and food. When referring to local villagers’ cross-border trade of consumer products, the Rangers often mentioned to me in informal interviews how they “give way” (*anulom*) to such practices as long as no drugs are involved. I will elaborate

and analyse this situation in Chapter 6. As I will argue, the local embeddedness of Rangers and their social relationships to the local population is part of what facilitates this kind of small-scale cross-border trade. This embeddedness in the local community was reinforced by the Rangers' additional responsibilities of helping the community during floods and fires as well as with tasks like harvesting rice, building houses and providing for security during festivals.

Another paramilitary organisation that was stationed in my research area was the *Or Sor* (Volunteer Defence Corps). Despite the vast and increasing number of paramilitary organisations that exist in Thailand (see Ball and Mathieson 2007: 23), the paramilitary organisations working in my research area were limited to Rangers and VDC. The latter could be seen working mostly at the Thai-Lao Friendship Bridge and at checkpoints along the road. Due to their rather inconspicuous uniforms in light brown/grey, which they didn't always wear, the *Or Sor* were not as easy to spot as Rangers. They were, furthermore, not part of the Royal Thai Army but deployed by the Ministry of Interior (MoI). While they are also in charge of maintaining security along Thailand's border areas and assist the Rangers in doing so, their duties were much broader and included doing "anything and everything for provincial and district officials" (Ball and Mathieson 2007: 109).

There were approximately 60 *Or Sor* who were stationed in my research area, 10 of which were working at the Thai-Lao Friendship Bridge. At the Bridge the *Or Sor* assisted the *thahan phran* but as they were not affiliated with the military, they were entitled to cross over the Bridge and exchange information with Lao officials about any instances along the border. In fact, the head of a local *Or Sor* group was known among villagers as the coordinator between the Thai and Lao districts of that area. In one of my personal conversations with this *Or Sor*, he explained that he set up conferences and meetings between the Thai and Lao provincial governors and district officials on a regular basis. For example, when Thai authorities arrested a Lao citizen it was the *Or Sor* who would deal with Lao authorities in arranging for the Lao citizen's deportation.

The *Or Sor* who was also the coordinator between the Thai and Lao border districts had many cousins on the Lao side. At the time of my research, he went to Laos almost every day to either visit his relatives or to discuss issues with Lao authorities. He possessed a special officer's ID card that allowed him to travel across the border freely. During none

of my visits did he make any remarks about Laos or its state officials that implied fear or anxiety. He had joined the *Or Sor* three years after the communist takeover and knew about all that had been going on along this part of the border since then. His lack of anxiety with regard to the Lao state with what a higher-ranking Ranger explained to me: “Those people who don’t have any relatives or friends on the Lao side are scared of the Lao side since they don’t know anyone there. Those who have relatives and friends there go often and are not scared at all”. This confirms the findings I presented in Chapter 3 where I explained that those female traders who did not cross the border had many negative preconceptions about the Lao state.

While *Or Sor* went to Laos more regularly, a few Rangers had also been to Laos before. When stationed at customary border checkpoints they occasionally crossed the border to socialise with the Lao officials on the other side or to attend village festivals. The supervisor at one of the checkpoints who was a commissioned army soldier, for example, had been to the other side of the checkpoint to celebrate with his Lao counterpart during the local village festival. Other *Rangers* sometimes visited the Lao traders and villagers they got to know during their everyday work at the checkpoints. In fact, it is important to note that the relationship of Rangers with Thai and Lao boat operators as well as with local border-crossers was much closer than that between Rangers and Lao authorities. As one of the Rangers expressed it: “We [the Rangers and border villagers] take care of each other (*tulae kan*)”.

### **THE SOCIAL EMBEDDEDNESS OF *THAHAN PHRAN***

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Over the course of my research I spent many hours observing Rangers, boat operators, shop owners, traders and other villagers at the customary border checkpoints. A frequent observation was that of villagers, traders and shop owners providing the Rangers with fresh vegetables from the market, instant coffee and snacks. Villagers would randomly stop by the checkpoint on their motorbikes with a bag of cucumbers or fresh pork meat, greet the Rangers and hang the bag(s) on a nail at one of the wooden pillars of the Rangers’ hut. The Rangers would later take the bags back to their accommodation and use the food to make their dinner. On another occasion, a Ranger helped a female villager at the checkpoint start her motorbike. She later came back with a pack of instant coffee for the Rangers.

It was only during the latter part of my research that I came to realise that these occasional gifts were in fact part of a more regular gift-giving process, which implicitly contributed to the facilitation of trade across the river that marks the border. Shophouse owners regularly supplied both the Rangers and the Lao border guards with coffee, beer, snacks and other goods from their shops. The shop owners call these gifts *khongfak*, which literally translates into gift or present and is also used as a term for souvenirs. Since Thai shop owners provided the gifts on behalf of their customers as well, they included a part of the cost of the *khongfak* in their shopping bill. In this way, Thai and Lao traders shared the costs of the gifts.

When asking for more details about this kind of gift-giving process, a female shophouse owner explained that the process was strongly individualised. She offered gifts to all the Rangers but “some will take them and others will not”. In all of the cases I was able to observe, Rangers accepted the gifts given to them. When I arrived at one customary border checkpoint on a border market day, the Rangers had already received energy drinks and mangosteen fruits from the traders who were selling goods to the Lao visitors at the checkpoint. Later, one of the watermelon traders brought the Rangers two watermelons in a plastic bag. The process happened completely without words – the trader merely smiled as she handed the bag over to the Ranger who nodded while taking the bag and placing it on his bench. Shophouse owners at checkpoints also invited the border officials to share food and drinks with them during festivities such as the yearly village festival or the Thai New Year. They would order homemade Lao whisky from across the border and ask the border officials to join in.

While Rangers rarely rejected the gifts offered to them, they also rarely demanded any gifts. In most occasions they would merely accept what was given to them. A shop owner on the Lao side explained that traders provided border officials with gifts because they were *graengjai* (literally translated as “fear heart”) as the border guards were lenient in their enforcement of the law. The term *graengjai* has no English equivalent and it is often exemplified where a person of lower status defers to a person of higher status, demonstrating an acknowledgement of their higher position, their decisions and actions (even if they do not agree with them). According to Walker and Hallinger, *graengjai* means “to be self-effacing, respectful, humble, and extremely considerate” and “avoiding behaviour that would cause embarrassment to other people or imposing upon them” (2007: 265). According to the shophouse owner mentioned above, the

process of gift-giving must thus be seen as part of the cultural norm of *graengjai*. From this perspective, the border guards were provided with gifts out of respect for their position and to prevent them from feeling imposed upon.

The practice of giving gifts to a person with a higher social status can be found in nearly all parts of Thai and Lao society. School students give presents to their teachers; employees provide gifts to their line managers. Some of my interlocutors even provided me with vegetables from the market when we met. The boat operators at one customary border checkpoint even ordered a sweet rice dish for me after I mentioned that it was one of my favourite dishes. When I asked what the gifts were for, they were confused and said: “We just want to give this to you because we like you”. Feeling *graengjai* about this myself, I started giving gifts to them as well. A similar situation happened when I was sitting with the Thai Rangers at a customary border checkpoint one day and received a watermelon from them. I reciprocated the following day by providing them with several cans of instant coffee. Over the course of my research I was quickly engaged in gift-giving practices with my all of my interlocutors including traders, shop owners as well as state officials.

Based on these examples I suggest that we must differentiate between gifts exchanged between friends and acquaintances on the one hand, and gifts given to superiors on the other. The important difference here is the reciprocal exchange of gifts, which does not take place when gifts are given to superiors. The gift exchange that occurred between friends and acquaintances, which I was also involved in, is a typical case of reciprocity as Mauss (1970) described it in his seminal work. Mauss established that the gift obliges the recipient not only to accept it but also to reciprocate. Drawing on ethnographic examples from across the world, he argued that gifts are exchanged with the intention to develop or maintain reciprocal relationships and to establish alliances. They could also be a way of increasing one’s status by putting the counterpart in debt as in the case of the North American potlatch ceremony. While the debt factor may not be as prominent in the examples presented here, the intention of establishing and maintaining social relationships was certainly important.

In the case of gifts given to superiors, the gift is accepted but not reciprocated. Here, the gift is an acknowledgement of another person’s higher status and power. I suggest that the *khongfak* given by traders and boat operators to state officials fall into this category,

which I will classify as a specific type of gift, namely that of tribute. Humphrey makes use of the term ‘tribute’ in her study on post-Soviet economies, defining it as “an acknowledgement of who rules the streets” (2002: 144). Since they are not reciprocated, tributes can also be seen as a one-way or free gift. Joana Cook (2008) has discussed the free gift with regard to alms donations in Thailand. However, such donations differ from tribute in that they are given as a “field of merit” (Cook 2008: 19), that the renouncer is not allowed to show gratitude and that neither the giver nor the recipient are recognised in the process. Tribute, in contrast, is given as a way of showing appreciation for the specific person it is given to. In my research area, the usefulness of the term tribute is substantiated by the comment made by the Lao shop owner who explained that gifts were given out of gratefulness for the border officials’ toleration of trade. Of course, the order to tolerate this kind of trade had come from higher ranks of government and not as a request from the traders themselves. The tributes must therefore be seen as a thank you rather than a bribe.

In Pasuk and Sungsidh’s (1996) famous study on corruption in Thailand, they refer to similar types of gifts, which are called *sin nam jai* (gifts of good will). In Thailand, the attribute of *nam jai* (good will from the heart) is as highly valued as *jai di* (good-hearted) and *sin nam jai* are gifts that reflect this attribute. According to Pasuk and Sungsidh, the intention of the giver plays an important role that allows us to distinguish this type of gift from a bribe. The gift must be the result of the giver’s wish to show compassion without any prior agreement or expectation. The recipient must also not deviate from their duties and responsibilities as a result of the gift. Pasuk and Sungsidh’s work is based on a study they conducted in the early 1990s. They found that the *sin nam jai* was considered acceptable among businessmen, officials and the lowest income categories including farmers. Among the middle class it was more often considered as a form of bribery.

So when exactly does a gift or tribute turn into a bribe? Combe and Wee (2009) point out, in this respect, that a bribe is only then a bribe when it is given before the respective favour takes place. The longer the passage of time between favour and bribe, the more it can be seen as a gift, especially when it takes on the form of a festive gift (Combe and Wee 2009: 299). This is where the boundaries between gifts and bribes become blurred. In Pasuk and Sungsidh’s (1996) study on Thailand, survey respondents mentioned two further differences between gifts and bribes. Since a gift must be given

without any expectations to return the favour, it should not be demanded. As soon as a gift is demanded, it can be considered a bribe. The nature and value of the gift itself also played a role. Small amounts of gifts such as flowers, Buddha images, liquor, and an invitation to a good restaurant were perceived as *sin nam jai* in Pasuk and Sungsidh's study while high value gifts such as a Benz car or a large sum of money was seen as corruption.

In fact, far from being ignorant about the widespread gift-giving practices within the modern Thai nation-state, the Thai government has incorporated them into the law, drawing a distinct line between gifts and bribes. In the Notification of the NCCC Commission Concerning the Provisions of the Acceptance of Property or any other Benefit on Ethical Basis by State Officials B.E. 2543 (2000) (still valid in the 2007 constitution) it is stated that state officials shall not "receive property or any other benefit from any person other than relative and the price or value of the thing received from each person and on each occasion does not exceed 3,000 baht" (National Counter Corruption Commission 2000<sup>57</sup>). While the 3,000 baht rule acknowledges the existence of gift-giving practices, it has also caused some confusion because it does not specify what is meant by "each person" and "on each occasion". In the case of my research area, gifts and tributes were given on an on-going basis. On each occasion, goods such as vegetables, coffee and alcohol did not exceed 3,000 baht but over the course of one or several days, the limit could well have been exceeded.

What is even more interesting is that the 3,000 baht rule defines gifts as all goods apart from money. The transfer of money is considered a bribe. In most of the gift-giving cases in my research area, money was not involved. Instead, state officials received goods on an ongoing basis. There was no before or after anymore in this ongoing reciprocal relationship. Festive gifts were also involved when shop owners invited the border guards to share drinks and food in their homes. I argue that in most cases in which small-scale traders supplied state officials with *khongfak*, the gifts were a way to acknowledge the Rangers' work along the border in which they focussed on drug and car smugglers while being more lenient with traders of daily necessities. I suggest that this was different in situations where state actors demanded gifts in the form of money or goods. Such demands revealed the predatory nature of some state actors in certain

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<sup>57</sup> In July 2008 the NCCC was renamed to the National Anti- Corruption Commission (NACC).



situations that both reinforced and took advantage of their embeddedness in society (see further Chapter 6).

## **THE SITUATION AND LIFE OF LAO STATE OFFICIALS**

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Lao state officials are part of the state bureaucracy, which can be understood as the administrative arm of the Lao People's Revolutionary Party. Most bureaucrats are not members of the Party but those who are actively involved in it have a better chance of being promoted (Stuart-Fox 2006: 65). Lao state officials usually speak proudly of the Party, the system and their position and public representations of the state make such positions within the state a career path to aspire to. In this respect, Singh finds that there is a considerable divide among bureaucrats in terms of Party membership, rank, age and gender. Based on her research with marginal bureaucrats, her findings show that the lowest-ranking officials have limited linkages, education and family resources, marking them "solely as clients within the bureaucracy" (Singh 2012: 123).

Patrimonialism seems to prevail among the political elite in Laos. Although lower ranks within the Party have begun to develop a technocratic culture, social ties are still the most important resource in the political field and, according to Rehbein, more important than knowledge and discipline (2007: 45-46). Linkages and social ties are therefore an important feature of the state and, as Stuart-Fox (2006) finds, civil servants are reluctant to carry out decisions without referring matters to their supervisors as they may otherwise be subject to criticism. However, Singh also found some private criticism among low-ranking officials, especially in terms of the little amount of compensation they receive. Minimal salaries among bureaucrats are mainly due to the political change in 1975, which reduced the availability of financial and human resources. Some of Singh's informants also mentioned personal grievances with regard to their supervisor, which they would, however, never utter in public. Singh therefore concludes: "The Lao state's internal dynamics perpetuates a system of patronage and inequity, which ensure the bureaucracy is marked by ambivalent loyalties" (2012: 125).

Among my informants in Laos, local border officials were well known for their ability to make a lot of money, especially when working in the border area. At one of the customary border checkpoints, one of the Lao boat operators' daughters was therefore aspiring to become a policewoman. She was 16 years old when I met her and had one year left at school. She said: "I don't exactly know what you have to do as a policeman

but I do know that you earn a lot of money, especially when getting a placement at the [Thai-Lao Friendship] Bridge.” At the end of my research, the girl’s career plan was to study law in Luang Prabang for five years and receive a degree so that she would be able to work for the Lao state. In a similar vein, a female trader named Waan whom I got to know well over the course of my research was hoping for her son to become a policeman just like her husband. Waan explained that she would want her son to work at the Thai-Lao Friendship Bridge as he could earn a lot of money there: “There is so much trade going on there and the traders don’t just pay tax but also the policemen”. In both of these cases, aspiring to work for the state was based not only on the social rank and status it would provide but also on the remunerative benefits of what has been depicted corruption by many scholars (e.g. Stuart-Fox 2006: 61).

While the bureaucratic migrants in Singh’s study increased their meagre salaries with formally recognised “per diems” that were paid by development projects and private companies (2012: 123), many of the Lao state officials in my research area sought additional income by taking bribes for facilitating cross-border activities (see further Chapter 6). Many of them were also financially supported by their wives who engaged in different kinds of cross-border trade (see also Chapter 3). A female Lao trader named Waan, for example, told me that her husband worked for the district police (*tamruat mueang*) and earned 1 million kip per month, which at the time of my research equalled 4,000 baht (or USD 130). She often bemoaned that it was not enough to support a family of three. As a family, they owned only one motorbike, which Waan used for her trading activities while her son drove to school with a friend every morning. She said she did not want to have another child because they needed a car first – it would be too difficult otherwise. In order to increase the family’s income, Waan had begun selling vegetables at the local market a few years ago. She also sold wildlife to customers on the Thai side such as moles, porcupines and squirrels. These were rare in Thailand and she made a high profit from this kind of cross-border trade, which is deemed illegal in both Thailand and Laos (see also Nooren and Claridge 2001; Singh 2008). Waan said her husband disapproved of her trading activities and preferred her to take care of the household. When my research ended in 2012, Waan was planning to cease her trading activities.

Many of the Lao border officials working in my research area were from the local or surrounding areas and spoke the local dialect, which strengthened the familiarity

between them and the local population, and increased their embeddedness in the village or town where they were stationed. Lower-ranking border officials usually stayed at one duty station for many years. Many of them lived together with their wives and children, the latter of which went to the local school. As I will elaborate in the chapters that follow, these officials' social relationships to local villagers, traders and transporters on either side of the border had an impact on the way small-scale trade was conducted, facilitated and restricted. The complex interplay of predatory state practices and the social embeddedness of state actors also impacted the imaginaries of the Thai and Lao states among border residents. As I will demonstrate in the next section, the imaginaries of Thai border residents with regard to the Lao state were dominated by rumours of strict penalisation and violence. In the imaginaries of Lao border residents the Thai state was often perceived as too lax and not in control of the country's problems with crime and drugs.

## **IMAGINARIES OF THE THAI AND LAO STATE**

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When talking about local border regulations and their enforcement, I was immediately struck by the way several of the local *phuyaiban* contrasted the Thai and Lao states' ways of penalising border-crossers who engaged in activities that were considered illegal such as drug smuggling and undocumented labour migration. Although this thesis is not primarily concerned with drug-related activities along the border and their prosecution, the discourse on the Thai and Lao states in relation to these activities sheds light on the way the Thai villagers including traders and state authorities perceived the Thai and Lao states.

Two of the *phuyaiban* agreed that when border-crossers from either the Thai or Lao side are caught "sneaking" across the river by Lao authorities they may face a fine. One of them explained: "If they [border-crossers] say they come to visit their relatives they will have to pay 20 000 baht (approx. USD 650). If they cross without any reason or with drugs then there will be a tougher punishment. Then it will be at least 30,000 or 40,000 baht (approx. USD 1300)." Interestingly, this *phuyaiban* mentioned that even those who cross over the border outside the checkpoints to visit relatives would be fined when getting caught by Lao authorities. Over the course of my research it became clear that in reality, border residents were rarely penalised for crossing the border outside checkpoints to visit relatives (Chapter 6). Statements like those of the *phuyaiban* as well

as those presented in the remaining part of this section, however, have a deterrent effect on Thai villagers, traders and state authorities, making many of them reluctant to cross over the border in the first place.

With regard to drug smuggling, on the other hand, several border residents have indeed been caught and punished. When caught by Lao authorities, these are arrested and incarcerated in the local Lao jail. One *phuyaiban* described the local Lao jail as a kind of den made out of bamboo. Another compared the jail to a cage for animals and added: “It is very tormenting.” The *phuyaiban* of Ban Plee further explained: “It is underneath the ground. They have one hole in the ground like a cave”. None of the *phuyaiban* had ever seen the Lao jail before though. According to the *phuyaiban* of Ban Sing, in fact, none of the villagers had ever seen it even though some teenagers had been jailed before: “They don’t know because they get their eyes covered until they are inside so prisoners don’t know where they are. The ones who get caught don’t want to go there again”.

Further elaborating on Lao prison conditions, the village headman passed on what he had been told: “They say that they [Lao authorities] built the ‘dark jail’ in a way that you cannot stand up in it but also not sit down because you must defecate there as well”. In jail, prisoners must pay for all services themselves including food and water. This was directly contrasted to Thai prison conditions: “In Thailand, if you don’t have money you have to stay in jail and your fine will decrease at a rate of 200 baht per day. In Laos you lose your money as well as your time!”<sup>58</sup>

When speaking to the *phuyaiban* about their linkages to the Lao side, most of them had relatives there but only two had relations with Lao authorities. One *phuyaiban* knew a few district heads (*jao mueang*) whom he still knew from the time when he was a teacher in Laos. However, they were his generation and he did not know any of the younger authorities. Another *phuyaiban* explained that he had occasional meetings with the headman of the Lao village across the border. They would usually discuss current problems that concern them both such as cases of theft or those of Lao villagers who had been arrested on the Thai side. But it was the *phuyaiban* of the third village in my

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<sup>58</sup> The *phuyaiban*’s descriptions of Lao prison conditions correspond with the U.S. Department of State’s investigation where Lao prison conditions are described as poor and food rations as minimal. Most prisoners must rely on their families for subsistence (2011: 2). Amnesty International has also repeatedly criticised Lao prison conditions, reporting on ill-treatment and even torture within larger prisons (Amnesty International 2002).

research area who stated most clearly why he had little or no relations with Lao authorities: “We don’t usually go over there because we are afraid of the law on that side. It’s different from here. We don’t know what they will do to you. Sometimes we didn’t do anything wrong but they still arrest us and say we did something wrong. [...] They arrest us first and only later they will tell us what we did wrong”.

This perception of the Lao state as deceptive and allowing for arbitrary arrests was common among Thai villagers along this part of the Thai-Lao border. During one of the village festivals along the border, one of the local Thai policemen suggested I be careful when going to Laos as: “They are not the same as us. First, they talk in one way and then suddenly in another way. Their law is very basic. The policemen have very low education, only until grade 4.” So apart from harsher practices of penalisation, poorer prison conditions and higher fines than in Thailand, the Lao state was also associated with arbitrary arrests. Searching for real cases of arbitrary arrests and assessing their frequency in my research area would go beyond the scope of this study<sup>59</sup>. Instead, it is interesting to note the way the Lao state is perceived by many Thai villagers, traders and local authorities alike as it has an impact on everyday life and cross-border activities in the border area.

Not only did Lao traders and villagers cross the border more often than their Thai counterparts, most of my Lao informants also felt more positive about the Lao than the Thai state system. While Thailand was deemed more “developed” (*jaloen*), Laos was considered safer due to the state’s control over the population and its system of deterrence through ill-treatment. A female long-distance trader who frequently visited the village where I lived expressed this view most concretely when saying: “There is always news about drugs and murders in Thailand. In Laos there is almost none of that. It’s because people are afraid of the police. If the police catch someone doing something illegal, they will put them in jail for several months where they barely get anything to eat and they must pay a high fine. So those who have been to jail will never do anything again. Not like in Thailand where jail is very comfortable...you have enough food and toilets and showers and everything. People are not afraid to go there so they are more inclined to do something illegal.”

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<sup>59</sup> Amnesty International (2002) has reported and condemned cases of arbitrary arrests in Laos.

This perception of Thailand among the Lao population is reinforced by the high popularity of Thai TV channels who report criminal acts from Bangkok and other provinces on a daily basis. It must also be seen in light of image promoted by the Lao government of Thailand. As mentioned in Chapter 4, the Lao government not only resisted the Thai government's patronising attitude towards Laos but also sought to improve its own image by contrasting its moral code and authentic culture with the pervasive criminality in Thailand. In fact, while Laos' system of penalisation was well-known among Lao villagers in my research area, they still contrasted Laos with the danger and criminality that they considered to pervade Thailand (see also Singh 2012: 124). These findings demonstrate the complex interplay of practice and discourse through which the Thai and Lao state constituted themselves differently, which shaped the different ways in which the border came into being in my research area.

## CONCLUSION

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In this chapter I have provided a glimpse into the everyday lives of state actors in my research area and highlighted their embeddedness in the local culture and society. While cultures generally must be seen as constantly in flux, the local culture in my research area straddled the nation-state border in many respects including the local dialect, many customs and traditions, and a shared history. Most of the state actors I have presented here including *phuyaiban*, the Thai paramilitary, and Lao state officials were born and raised in the border area themselves, spoke the local dialect and knew the area well. Some even had relatives on both sides of the border and occasionally visited the other side of the border for personal reasons.

The findings I have presented here not only reveal how the practices and attitudes of these actors were influenced by their social and cultural surroundings but also how their actions contributed to the constitution of the state itself, and particularly the becoming of the border. The Thai paramilitary, for example, was engaged in gift-giving practices with the traders and villagers around their duty stations while Lao state officials increased their meagre salaries through bribes or the trading activities of their wives. While Thai villagers considered Lao state officials to be deceptive and unlawful, many Lao villagers perceived a government job as something to aspire to. Village headmen in Thai border villages, furthermore, had a kind of mediating position between state and

society as they communicated government policies to villagers while defending their interests in front of the state where needed.

The final point to be made here is that the findings I have presented had the purpose of highlighting the social and cultural embeddedness of state actors and revealing the blurry lines between state and society. The examples have been selected to work towards this purpose and do not provide the full array of state practices in my research area. In the following two chapters, for example, I demonstrate how the Thai paramilitary was also involved in the extraction of money and goods, as well as in larger corruptions schemes related to the smuggling of agricultural products across the border.

## PART III

### STRATEGIES AND INTERACTIONS



## CHAPTER 5

### NAVIGATING MOBILITY IN THE BORDERLAND

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#### MALEE'S DIFFERENT ROUTES TO THE THAI SIDE

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On a Friday morning in July 2012 I called Malee, a Lao middlewoman from a small town near Mueang Sayaboury who owned her own pick-up truck and both a Lao and Thai mobile phone. I called her on her Thai mobile phone to ask whether she had arrived at the Thai border market next to the Thai-Lao Friendship Bridge yet. I knew she would hire a driver there to buy goods in Mueang Loei. I wanted to make sure I was at the market when she came back from Mueang Loei, hoping for another interview. Indeed, Malee was in Thailand but neither at the border market nor in Mueang Loei. Instead, she was in Ban Thong, the small border village where I was living at the time. She was at Noi's house, an elderly lady who lived along the river that marks the border. I knew Noi myself so I jumped on my motorbike and drove to Noi's house, which was only a few streets away. Malee knew Noi from the time when there was still a permanent checkpoint nearby. She was already a middlewoman during this time but used to cross over by boat using Noi's shuttle boat service. Now that the Thai-Lao Friendship Bridge in Ban Plee had become the official border-crossing site between Thailand and Laos, there was nothing left of the checkpoint.

Malee explained that she had driven to the Thai-Lao Friendship Bridge that morning as she usually did on Saturdays. She was equipped with a list of daily necessities that she planned to buy for her customers in and around Mueang Sayaboury, as well as the things she would need for sleeping over at the Thai immigration post that night. She was denied the right to cross over the Bridge though, as her passport was filled up with stamps. She would have to acquire a new passport before she could cross over the Bridge again. Fortunately, her son had accompanied her that day. He was a student in Vientiane currently visiting home and old enough to drive her car. So Malee asked her son to take the car across the Bridge, hire a driver together with three to four other middlewomen and –men, and go to Mueang Loei on her behalf. Before arriving at the Bridge, Malee's son dropped her off in an area behind Ban Sawan where she walked to the part of the riverbank that was located across from Noi's house. At the riverbank, Malee called Noi who then picked her up in one of her small wooden boats.

Now Malee was waiting at Noi's house until her son came back from Mueang Loei. As soon as he was back in the late evening she would meet him at the border market next to the Thai-Lao Friendship Bridge. The market was about six kilometres away from Noi's house and Noi's husband had agreed to drive Malee there by motorbike. Malee and her son would sleep at the immigration post together with the other traders that night, watching their goods while they sleep. The next morning Malee and her son would shop for the remaining goods at the border market. Noi's husband would take Malee back to Noi's house where Malee could cross over to the Lao side again by boat. Malee would then wait along the main road for her son to pick her up on the way back to Mueang Sayaboury.

In the end it was me who drove Malee to the border market by motorbike that evening and also the one who drove her back to Noi's house the next morning. I had intended to visit the border market so I used the opportunity to spend more time with Malee. When driving back from the border market the next morning, Malee suggested we take a shortcut rather than drive along the highway – a narrow road with many potholes that exits the market area along the side rather than the front. The narrow path would avoid police patrols along the highway who may have asked for travel documents. Malee did not have any documents to show as she had crossed the border at Noi's house. However, when I asked why she wanted to take the shorter route, which was bumpy and full of potholes, she said it was simply because of time constraints. She claimed that the police officers were unlikely to arrest her as we were only travelling from one border village to another rather than to the city.

## **BORDER-CROSSING STRATEGIES AND ENCOUNTERS WITH THE STATE**

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Malee's story demonstrates the uneven landscape of sovereign power along the Hueang River that marks the nation-state border in my research area. During the time of my research, some places were under hypersurveillance, e.g. the Thai-Lao Friendship Bridge and some local checkpoints, while the remaining parts of the river were only occasionally patrolled. Malee was able to take advantage of the unpatrolled area at Noi's house in order to reach Ban Plee from the Lao side. However, she was also well aware that if she travelled to Mueang Loei without travel documents she risked deportation and a fine as there were patrols along the highway that conducted ID

checks, particularly on border market days. She therefore stayed in the immediate border area while her son purchased the necessary goods on her behalf. The immediate border was not only familiar to Malee but also a space where she felt safe, even when moving around without travel documents. This lack of fear was preeminent also among many of the border residents along the Hueang River who made use of unmarked and rarely patrolled border-crossing sites.

In this chapter I will explore this further by examining strategies of border-crossing amongst residents in my research area from an ethnographic perspective. The first objective of this chapter is therefore to understand where and how people cross the border and what risks are involved in the process for different people at different border-crossing sites. My main focus will be on Lao residents who cross over to the Thai side as they represented the vast majority of border-crossers. In my research area there were three types of border-crossing sites: the Thai-Lao Friendship Bridge, customary border checkpoints, and unmarked border-crossing sites. Unmarked sites could entail private properties that are used to transport people back and forth across the river (sometimes for money) on a regular basis, residential homes of villagers like Noi who own fishing boats that are occasionally used for family and friends to cross the border, as well as public spaces along the river with small dirt paths that villagers used as piers. In order to highlight the procedures and risks at each of these border-crossing sites, the chapter is subdivided into three parts that examine each site in more detail.

The second objective of this chapter is to scrutinise more closely the encounters between state and non-state actors when crossing the border at different sites, focussing particularly on the role of travel documents, border performances, and social relationships with border guards. Drawing on observations and interviews with state and non-state actors as well as on my own experiences, I analyse the micro-level power relations between state and society and how the line between the two blurs in encounters along the border. My findings reveal that the experiences of border residents and the practices of border guards in my research area often contradict the state-centric narratives of cross-border mobility, which emphasise the legal and security dimensions of the border. In contrast to such narratives, I demonstrate how a social and cultural intimacy between border guards and border-crossers often trumps the necessity for legal documents at all border-crossing sites. I argue that we must pay more attention to the social and cultural dynamics of border-crossing strategies and encounters and how

“state regulatory practices are intertwined with those of local communities” (Walker 1999: 17; see also Chalfin 2010; Reeves 2014).

State-centric narratives of cross-border mobility tend to focus on the way states control movement. From this perspective, the mobility of human beings across nation-state borders is understood as a disturbance to the isomorphism of nation, state, and territory. Mobility can even be seen as a source of threat when considered within security frameworks such as the U.S.’ “war on terror” or the Thai former Prime Minister Thaksin’s “war on drugs” (Askew 2007). In the 1970s, Thailand’s anti-communist stance led to the militarisation of its border with Laos. Since the 1990s, this has changed to a focus on cooperation, resulting in an increase of state-led border passages and opportunities for documented cross-border flows (Chapter 2). At the same time, the influx of undocumented migrant labourers from Laos to Thailand has continued and an estimated 300,000 Lao people work in Thailand at any given time, 70% of which are undocumented migrants (ILO 2010). Thailand’s Immigration Act of 1972 classifies such undocumented migrants as “illegal immigrants” who face deportation upon their arrest. Officials are authorised to detain such migrants up to 48 hours before deportation, which can be extended to a total of seven days on the basis of legitimate reasons (UN-ACT 2015: 3)<sup>60</sup>.

When seen as a threat, human beings can be exposed to violence and killings by the state, and these are undeniably a regular occurrence along many borders around the globe (Andreas 2000; van Schendel 2005; Doty 2007; Jones 2012; Perera and Traverso 2013). Agamben’s work (1998, 2005)<sup>61</sup> on the state of exception is often used to understand the extralegal violence of the state against border-crossers and refugees (Decha 2006; Rajaram and Grundy-Warr 2004). Indeed, some of the ethnographic findings presented in this chapter reveal elements of risk and even violence for border-crossers along the Hueang River. But there are limitations to such an analysis that sees the state actor as a perpetrator on human life and that paints a picture of constant fear,

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<sup>60</sup> An influx of undocumented labour migrants is somewhat tolerated and amnesty-based registrations occur on a periodic basis (Balbo 2005: 39).

<sup>61</sup> Focusing on the U.S. government’s anti-terrorism measures after 9/11 and the establishment of the prison camp in Guantanamo Bay, Agamben argues that “the voluntary creation of a permanent state of emergency [...] has become one of the essential practices of contemporary states, including so-called democratic ones” (2005: 2). Dating back to 19<sup>th</sup> century France where the so-called state of siege was included in the constitution, the state of exception is now used to suspend the law in order to ensure the security of the state. Declaring a state of exception thus allows governments to operate both inside and outside the law (Agamben 2005: 11).

risk, and violence. With Walker (2009: 110), I argue that the state of exception is a situationally and temporally specific exception to the regular flows of people (and goods) across the Thai-Lao border. It does not reflect the current everyday life experience of the regular border-crossers who are not in a constant state of fear when crossing the border, as in the case of Malee. An exploration into the encounters between border-crossers and border guards along the Hueang River will underline this argument. I do so by examining the role of documents, border performances, and social relationships.

As described above, identity documents are imperative to the legal movement across the Thai-Lao border. Under the law, undocumented migrants are “illegal” and face deportation. In his analysis of state-making projects in Southeast Asia, Scott (1998) has described such documents as a social engineering technique, which the state uses to make those aspects of society “legible” that it seeks to control. Identity documents not only come in various forms (passports, identity cards, permits, house registrations) but are also used to differentiate between different types of citizens with different rights (Torpey 2000; Ong 2006). While bureaucracy is part of every nation-state, a growing scholarly literature has stressed that identity documents should not be seen as universal or abstracted identities but rather analysed in their historical and cultural variations and the way they are perceived and experienced by their owners (Messick 1993; Kelly 2006; Navaro-Yashin 2007; Pelkmans 2013). While Navaro-Yashin examines documents as “affectively charged phenomena” (2007: 80), Jansen suggests looking at the hierarchy of different documents and the way in which persons come into being through them in particular ways (2009: 816).

These authors place particular emphasis on the power of documents in producing particular forms of sociality. In this chapter, I stress a related but different aspect, namely the insignificance of identity documents in particular contexts. I argue that border performances and social relationships with border guards can have a stronger influence on one’s right of passage than legal documents. As Kelly has emphasised, documents create a separation between the legal and the physical person (Kelly 2006). Their congruence is assessed in the border examination. Here, the border-crosser must not only prove that their physical person matches their legal identity but they must also behave in a way that underscores this congruence. Following Khosravi (2010) I will refer to this type of behaviour as border performances. Acting in a way that a border

official finds suspicious may result in an extended examination period, an additional search by security personnel or even in an exclusion from the desired territory. Adopting a performative view of borders, Salter (2008) further highlights how the sovereign subject must act in accordance with what is considered the “norm” by the sovereign (in this case the border guard). If the “norm” is not enacted by the sovereign subject, it risks being considered a threat to the sovereignty of the nation-state. From this perspective, it is not only regimes of citizenship but also border performances that are key elements of differentiation and a defining feature of mobility across the border.

An aspect of border performances that I would like to emphasise here is based on the fact that the state officials in my research area were socially embedded in the socio-cultural environment of their duty stations (see Introduction and Chapter 4). In this chapter, I will explore how this affected the way border examinations were conducted and how it influenced the decisions of border officials in granting someone the right of passage. In this respect, I draw on the literature on the state, which has brought attention to the “unconscious desires of state officials” (Aretxaga 2003: 395) and the convergence of values between state officials and sovereign subjects (Herzfeld 2005). Herzfeld refers to this convergence of values as “cultural intimacy”, describing it more specifically as “the recognition of those aspects of a cultural identity that are considered a source of external embarrassment but that nevertheless provide insiders with their assurance of common sociality” (2005: 3). Emphasising that the separation between the state and society is a symbolic construct, Herzfeld brings to light the way interactions between the sovereign and the subject are pervaded by the “tangled skeins of complicity” (2005: 372). Following Chalfin (2010), I apply this literature to the border examination. In her study on the effects of neoliberal projects on sovereignty at the airport in Ghana, Chalfin finds how customs officials at Kotokha International Airport profiled travellers according to racial attributes rather than on standard procedures of risk management. The officers’ judgements were based on notions of criminality, which they associated with Africans in contrast to non-Africans. Customs procedures were therefore more personalised than technocratic.

At border-crossing sites along the Hueang River, a cultural intimacy between border guards and border-crossers not only affected their decision-making in granting the right of passage but it affected the significance of identity documents. As I will demonstrate this cultural intimacy was based on regularity, familiarity, and social relationships.

While the effects of this intimacy were evident at all types of border-crossing, they were more pronounced at unmarked border-crossing sites than at the Thai-Lao Friendship Bridge and also depended on the individual state official in charge. Identity documents were particularly insignificant where social relationships between specific state officials and border-crossers were strong. In the following, I present my findings in this respect at each type of border-crossing site.

## **TRUST AND RISK AT UNMARKED BORDER-CROSSINGS**

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Crossing the border at unmarked border-crossing sites was not uncommon among Lao villagers in my research area. As discussed in Chapters 2 and 3, close networks of kinship and trade were maintained among many (though not all) border residents. A common language, history as well as a shared calendar of Buddhist festivities brought people from both sides of the river together on a regular basis. The regular border markets on the Thai side were particularly popular among Lao villagers, especially among those who could not afford to travel across the Thai-Lao Friendship Bridge to the shopping centres in Mueang Loei. Most border markets were situated on the Thai side of customary border checkpoints so that Lao visitors mainly crossed over the respective checkpoint in order to attend a market<sup>62</sup>.

For some villagers who lived further away from the checkpoint it was easier to cross over the river at unmarked sites. During one of my trips to the border market in one of the border villages, for example, I saw a group of women with shopping bags walk towards the riverbank on the far end of the village. I approached one of the women and was allowed to accompany her group along the dirt path to their small wooden boat. The boat belonged to the woman I had approached. She lived in the small village on the outskirts of Ban Sawan situated directly on the other side of the river. As her friends entered the boat she asked whether I wanted to come along. When explaining that I was afraid to get caught and arrested by the border guards, the entire group laughed. Another woman said: “It is easy to just cross over – everyone does it all the time!” With the customary border checkpoint located several hundred metres down the river, the women had chosen to cross the border at the unmarked border-crossing in their village for the sake of convenience. By using the boat of a local villager they were also able to avoid

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<sup>62</sup> The border market in Ban Plee had been relocated from the customary border checkpoint to the Thai-Lao Friendship Bridge.

both the transportation fee and the fee for crossing the border at the checkpoint. Familiar with the local border guards on either side of the border, they seemed so much at ease in crossing the border at their own discretion that they were able to laugh off anyone who had any fears.



**Image 10: Villagers crossing the Hueang River at an unmarked border-crossing site (Source: Author)**

I had a similar experience during the annual village festival (*ngan bun*) in another Thai border village, during which hundreds of villagers from Ken Thao district come across the river via the customary border checkpoint and unmarked border-crossing sites. Together with their family and friends in the Thai border village, they attend the village parade, share food and drinks, and celebrate at the local temple. Walking down the main street of the village during the time of the festival, almost every home I could see was accommodating visitors with food and alcoholic beverages. Several visitors had arrived via the unmarked border-crossing at the far end of the village. I walked to the river and this time there was a young man operating a wooden boat using a large paddle (Image 10). He was just arriving with another boat full of people. This time I asked the local residents along the river whether the border guards ever patrolled this area. They



laughed and replied that this happened only very rarely when the border guards were checking the area for drug smugglers.

This not only reconfirms the mutual familiarity between the local residents and the local border guards, which gives the former a sense of security when engaging in shuttle migration. It also highlights the way the Thai Rangers interpret their duties and responsibilities. As I elaborated in Chapter 4, the Thai paramilitary was deployed to the border areas to protect (*bongan*) the border and the people who live along it, but not to disturb them in their everyday life. When new Rangers start working in the area, they quickly become familiar with the activities of the local population and distinguish between such activities and those they deemed to be a threat to the nation-state, such as drug and weapons smuggling as well as car and motorbike smuggling (see further Chapter 6).

In fact, cross-border livelihoods were the norm for most of the residents of a remote Lao border village along the Hueang River on the outskirts of my research area. The villagers here were more closely connected to the residents of the adjacent Thai border village than they were to other Lao villages. When visiting the small Lao village for the first time I hired the driver of a *samlo* (a small motorised vehicle with three wheels, similar to the Thai *tuktuk*) from Ban Sawan to take me there. The driver had never been to the village himself and demanded an additional fee for driving me along the muddy road into the village, which was not paved and flooded in some areas. We picked up a friend of mine at the customary border checkpoint along the way. She had agreed to introduce me to some of her friends and relatives in the small village. We had lunch in the local noodle shop and discussed the border situation with several of the villagers. The group explained that most villagers had relatives and social relations on the Thai side, made use of the shops and medical services there more frequently than in any neighbouring Lao village, and also frequently worked as labourers on the Thai rice farms. When buying goods on the Thai side, they would simply cross the river by boat and when attending the border market at the Thai-Lao Friendship Bridge on Saturdays, they would cross the river from their village to the Thai side and then ask a relative or friend in the Thai border village to drive them to the Bridge. The strategy that Malee (the middlewoman I mentioned above) used to cross the border in exceptional circumstances was apparently very common among border residents.

One of the women went on to explain that in case of a major injury the residents of the small Lao village would always cross the border and go to the hospital in Mueang Loei but getting there was not as easy as travelling the Thai border village across the river. This was due to the legal situation: “In order to go to Mueang Loei, we must cross over the customary border checkpoint, get a paper document from the soldier [the Thai Rangers are called “soldiers” in Thai], then get another paper from the district office [in Thali] and then we can go to the hospital in Mueang Loei. Some people don’t have such documents and just go. But I am not brave enough (*mai ka*) to go without documents. Normally, the Thai police along the road does not check our documents, but when they do and you don’t have any, they will make you pay a fine and that’s not worth it to me.” For the residents of the small Lao border village, the nation-state border only became relevant as soon as they had the intention of travelling outside of the confines of the Thai and Lao border villages they were familiar with. Well aware of the consequences they would face when being intercepted outside the border villages by state officials who would categorise them as “illegal immigrants”, they had to follow a formalised process that began with obtaining legal paperwork on the Lao side of the customary border checkpoint. To the villagers here, the Thai borderland and the border guards who patrolled it were part of a space of familiarity and trust. It was only when the intention of moving outside this space came into play that the legal framework of cross-border mobility became relevant.

Before I left the small Lao village, the group of people at the noodle shop asked me to meet them at the next border market across the river. They suggested that I accompany them back to their village in one of their boats and stay for a few hours. They tried to convince me that there was no risk in crossing over the river in-between the two small villages as there were never any patrols there. And even if we did encounter border guards, the villagers maintained, they would know the border guards personally and the border guards would let us continue. Indeed I was tempted but there was an element of risk that stopped me from accepting the offer. I was not personally familiar with some of the Thai border guards and none of the Lao border guards in this area. I decided not to pursue this but would later attempt to cross the border at the customary border checkpoint instead.

While I will come back to my personal experience, for now I would like to bring attention to the strategies of other Lao villagers who crossed the border for the purpose

of working in Thai border villages. Many of their experiences stand in contrast to those of undocumented migrant workers throughout Thailand who are known to face cruelty and violence by their employers and detention when intercepted by state officials (Rajaram and Grundy-Warr 2004; Maniemai and Dusadee 2006; Pearson 2006; Pearson and Kusakabe 2012). In my research area, the Hueang River was part of many Lao workers' daily commute to Thai farmlands. They worked there during the day and returned home in the evening. An elderly couple that lived along the Hueang River outside of Ban Sing regularly took such labourers across the river by boat for a small fee. The couple grew and sold flowers for a living and bred pigs and chicken for their own consumption. Their transport services were an opportunity to further increase their income. Not only did they take the labourers across the river by boat, they also drove them to their workplace by car or motorbike. In the evenings, they took them back across the river.

This was far from being a clandestine activity that sought to resist state power. Instead, the Thai border guards in the area were well aware of the border-crossing site at this private property. According to the elderly couple, the guards occasionally stopped by the property in the mornings or evenings as the labourers were arriving or just about to leave. The Rangers would then write down the labourers' names and addresses and then let them continue their journey. Once again, the notion was raised that the Rangers were merely interested in finding smugglers of drugs (*ya saeptit*) rather than interrupting border villagers' everyday lives. In addition to this, I argue that by allowing the labourers to commute across the river without documents and writing down their names and addresses instead, was a form of state regulation that was only possible through the regular interaction, familiarity, and trust between the border guards, the elderly couple at the flower garden, and the Lao workers. It recognised the plight of these seasonal, undocumented workers who would be better considered border commuters (Buch et al. 2009), while the sovereign subjects acknowledged the authority of the border guards and the territorial sovereignty they represent. Without the involvement of the local border guards in the process of border commuting, Lao migrant workers risked being intercepted at their workplace by an unfamiliar state official who could issue a fine of 500 baht, according to the village headman of Ban Sing. The migrant workers would then be sent back to the Lao side via the nearest checkpoint. So far it becomes clear that the Thai Rangers' embeddedness in the local border community allowed them to

regulate cross-border flows through a variety of means and processes including the cooperation with local border residents (Walker 1999).

However, the Rangers' constant search for drugs along the Thai-Lao border has also confronted local residents with a devastating incident. During my trip to a range of border markets with a Thai trader family, I got to know a woman in a village west of my research area who was a friend of the female trader I was travelling with. While waiting for my friend to finish showering in the woman's house after spending the night in tents at the border market, I spoke to the woman on her porch. Her husband was a farmer and currently in the field and she was pregnant with their second child. Her first child was not alive anymore. The woman explained that her first son had been shot at the age of 15 by Thai Rangers who suspected him of smuggling drugs across the border. She did not know exactly how the incident occurred, only that her son was crossing the river after visiting family on the Lao side when he was shot. The boy's innocence was soon established, however (I was unable to find out how this was established), the Rangers apologised to the woman but there was never any financial compensation for her loss. This was the only incident she knew of this kind in her area; it was an exceptional case. In other border areas such as the southern provinces of Thailand and the border to Malaysia, the paramilitary Rangers have assumed a notorious reputation for extrajudicial killings and violence (Ball 2004; ICG 2007). Having done my own background research on incidents such as this in my research area, it seems that such cases of violence inflicted on citizens were indeed exceptional along the Thai-Lao border. They do not confirm the border as a permanent state of exception, which an Agambean perspective would lead to (e.g. Salter 2008).

There are other elements of risk when crossing the river at unmarked border-crossing sites, particularly for those border-crossers who have no regular interactions or maintain social relationships with the local border guards in the place they wish to cross. When crossing the border without paperwork, the risk is dependent on the familiarity with the border guards but also on the personality and attitude of the individual border guard. One of the Rangers in my research area, for example, always came across as rather serious and even secretive about his operations in the area. When doing some research in local online newspaper, I found out that it was this Ranger who arrested two Lao women for crossing the border without documents even though they were not engaged in any activities that could be considered a threat such as drug smuggling (Sue Issara

Loei 2012). According to a local online news article<sup>63</sup> the Thai Ranger intercepted a 65-year old lady with her granddaughter while they were crossing the river by boat in Ban Plee (Image 11). They possessed no documents of identification. The two women came from a small border village located a few kilometres east of Ban Sawan (outside my research area). The article further states that the two women committed an offense under the Immigration Act of 2522 [1979] and that they were therefore detained and handed over to Lao authorities at the Thai-Lao Friendship Bridge.



**Image 11: An elderly women and her granddaughter intercepted by a Ranger from Regiment 2103 while crossing the border without documents, 8 December 2012. (Source: Sue Issara Loei 2012)**

While I was unable to obtain any context to the newspaper article's story, the story does highlight the fact that the border in this area was neither completely porous nor unregulated, nor a place where the residents of any border village could move across freely. Legal documents were indeed significant in particular contexts, and mainly where familiarity and social relationships were lacking, as in the case of the two

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<sup>63</sup> On the website of the local Sue Issara Loei newspaper, articles are regularly posted about crimes committed along the border in Loei province. They usually come with a photo of the state official who was responsible for intercepting the crime. The photos include drug smugglers with their products laid out in front of them, motorbikes and cars hidden in bushes, but also people who crossed the border "illegally".

women. The fact that the women did not originate from one of the border villages that lay directly across from the customary border checkpoint could also have played a role in his decision-making<sup>64</sup>. In this case, the arrest could be seen as a public deterrent to other villagers who seek to cross the border at unmarked sites. What underscores this is the fact that the incident was published on the local news website. Without speculating too much about the reasoning behind the arrest, the example clearly demonstrates how some undocumented border residents were able to move across the border more freely than others. As I have shown, many Lao border villagers often rely more on their ties to the local authorities rather than on paperwork in the act of traversing unmarked border-crossing sites. In the following section, I present my observations and interviews at customary border checkpoints. While there was some technocracy around legal documents here, border performances played an important role and social relationships often trumped both legal documents and border performances.

### **THE (IN)SIGNIFICANCE OF DOCUMENTS AT CUSTOMARY BORDER CHECKPOINTS**

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Customary border checkpoints (*dan prapheni*) are usually located between a Thai and Lao village that are situated across the river from each other. The checkpoints in Ban Sing and Ban Plee have prevailed as points of entry and exit for many local villagers despite the opening of the Thai-Lao Friendship Bridge as the official border-crossing site in Loei province. The checkpoint in Ban Donmai was created after the opening of the Bridge. The primary purpose of these checkpoints is to regulate the movement of people between the two villages. Border-crossers are not permitted to stay overnight on the other side and must return within the same day. At all three checkpoints in my research area, the Thai paramilitary was situated in a house or hut near the pier on the one side and specialised Lao border officials were located in a house or hut near the pier on the other side. Boat operators and labourers from both villages made money by transporting people and carrying goods across the river during the official opening times of the checkpoints. The three checkpoints in my research area differed in several ways. The checkpoint in Ban Plee was open every day and was used by the highest number of people (several hundred) on border market days. This checkpoint was equipped not only with the presence of Thai Rangers but also with CCTV cameras that recorded

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<sup>64</sup> After the opening of the Thai-Lao Friendship Bridge, cross-border flows were channelled across the Bridge. Customary border checkpoints were established for the border residents in the villages adjacent to the checkpoints and to decrease “illegal” flows across unmarked border-crossing sites.

movements across and along the border, which were monitored by the district administration in Thali. This was due, according to the village headmen, to the history of smuggling in this area. The checkpoint in Ban Sing was also open every day and was used by the second largest number of people (up to a few hundred) on border market days. The checkpoint in Ban Donmai was no doubt the most inconspicuous of the three and during my research I would sometimes drive past it by accident. It was only open on border market days twice a month and only a small number of Lao villagers used it (under one hundred).



**Image 12: Customary border checkpoint, showing the Lao side of the border with the border guards' house on the right and the boat operators' bamboo hut on the left (Source: Author)**

When crossing over the border at a checkpoint, Thai border residents had to leave their ID card with the Rangers and pay the boat operator for the trip across the river. Upon arrival on the Lao side, a fee called *kha yiab din* (step-on-the-land-fee) was payable to the Lao border official. When leaving the Lao side to go to the Thai border village across the river, Lao residents also had to pay the “step-on-the-land-fee” to Lao authorities (although it might then be better translated as “step-off-the-land-fee”). The amount of the fee varied from checkpoint to checkpoint and was usually different for



Thai and Lao residents. This variation reflected the economic asymmetry between Thailand and Laos as well as between the different border villages. At the checkpoint in Ban Plee, for example, the fee for Thai residents was 60 baht but for Lao residents only 40 baht. In Ban Sing, the fee for Thai residents was 40 baht and 20 baht for Lao residents. In Ban Donmai, the fee for both Thai and Lao residents was 20 baht. The fee did not apply to people over 70 years of age. It is worth noting that the “step-on-the-land-fee” on the Lao side was also paid in Thai baht, reflecting the power of the market over monetary sovereignty in Laos’ borderland.

When Lao villagers crossed the checkpoint they were required, in addition to paying the fee, to tell the Lao border official their name, age and place of residence before their departure in order to receive a “temporary permit for crossing the border” (*baisamoe kham daen chuakhrao*), which they would have to submit to the Thai Rangers upon their arrival (Image 13). The fact that Lao border-crossers did not have to show any form of identification on paper but only verbally transmit their personal details to the Lao border official made due for the fact that many of the Lao villagers in my research area did not possess any form of paper identification other than their household register.

**Image 13: Temporary border permit at customary border checkpoint**  
(Source: Author)



Keeping these formalised procedures in mind, the feel of the customary border checkpoints was less that of a technocratic state institution and more that of a place of sociability. In addition to the Thai Rangers' duty stations, the boat operators also had a hut at each of the river piers where they could rest, eat, and socialise. With the Rangers' and boat operators' huts situated very close to each other at all of the checkpoints, the border guards, boat operators, and labourers could often be seen mingling with each other in one or the other hut (though more often in the boat operators' hut), sharing food, drinks, and stories (Chapter 5). One of the Thai Rangers stationed in Ban Sing had become so well acquainted with one of the boat operators that the latter invited the Ranger to join him at the annual village festival in Ban Sawan. Walking along the street parade myself at the time, I met them as they were drinking whisky together, both clad in civilian clothes.

Having spent much of my time at these checkpoints, particularly at the checkpoint in Ban Sing, I found that there were many adaptations of the formal procedures to accommodate the situation on the ground. On one of the border market days in Ban Sing, for example, I noticed that many Lao visitors were arriving without a document. They had paid the fee to the Lao border official but had not received a permit. When asking about this, the Ranger that I was sitting with quickly trivialised the situation by explaining that the Lao officer "must have run out of paper again". The fact that it did not seem to be a major issue highlights not only the flexibility of state practices at this checkpoint but also the extent to which paper documents are insignificant at border-crossing sites where there is a strong familiarity between the examiner and the examined. There were differences, however, between the adaptations of such state practices at the checkpoints in Ban Sing and Ban Plee.

As several hundred villagers were traversing the customary border checkpoint in Ban Plee one border market day, they were also missing their permits from the Lao authorities. Unlike the Rangers in Ban Sing, however, the guards in Ban Plee noted down the information of all border-crossers in a register book while another checked their bags for illegal items. At the registration table, one of the elderly woman was only able provide her first name, explaining that she did not have a last name. The Ranger laughed understandingly at this response and told her to invent a name or choose that of a friend instead. Despite the differences in the degree to which technocratic procedures were flexible and adapted, the actions of state actors at both checkpoints confirm

Herzfeld's statement that the state often makes use of a "language of kin, family, and body to lend immediacy to its pronouncements" (Herzfeld 2005: 2). In doing so, state actors are able to reinforce their authority. The adaptations thus demonstrate how the border comes into being in different ways at different checkpoints.

While state actors often used the language of the non-state realm to reinforce their authority, non-state actors also reinforced the state's authority by supporting them in their duties. When the Rangers were late for work in the morning or on a mission outside the checkpoints, for example, boat operators would act on behalf of the Rangers by taking the border permits from Lao arrivals and stacking them neatly on the Rangers' table until the Rangers came back. By fulfilling the duties of state actors, boat operators not only blurred the lines between state and society but also took on the form of the state on a temporary basis. This shows how the cultural intimacy between state and society not only rests on the social embeddedness of the state but also on the intimacy of society towards the state. In the case of the boat operators, the cultural intimacy was reinforced by the strong social relationship that existed between border guards and boat operators at customary border checkpoints.

Strong social relationships also existed between the local shop owners and the border guards at customary border checkpoints and facilitated the shop owners' cross-border passage. When crossing over to Ban Sawan, they were neither required to leave their ID cards with the Thai border guards, nor did they have to pay the "step-on-the-land" fee on the Lao side. Kew, for example, whose shop was situated directly next to the customary border checkpoint in Ban Sing, needed merely pay the 10 baht transportation fee to the boat operators. Instead of stopping by the Rangers' hut, Kew would walk straight to the pier and ask one of the boat operators to take her across. Sometimes she would have to wait in the boat operators' hut for more people to arrive at the pier as the boat operators preferred to take several people across at once. On the Lao side, Kew did not stop by the border officials' hut either. If a border official was sitting outside the hut and saw her pass by, the two would nod or smile at each other in complicit silence. But usually, border officials on both sides simply ignored Kew when she crossed over the checkpoint.

Shop owners like Kew crossed over the checkpoint with ease because of their established relations with border officials on both sides of the checkpoint. Due to the

traders' close proximity to the checkpoint, their daily trading activities across it and their daily interactions with the border officials, but also due to their engagement in gift-giving practices with the officials (Chapter 4), these traders had established good relations with the border guards on both sides. "We know each other well" (*rucak kan di*) was the phrase that the traders usually used to describe their relationship with the border officials. Towards the end of my research, Kew explained in passing that she was also related (*phinong*) to the Lao border official on the other side of the checkpoint. They were members of the same extended family and therefore knew each other well. The trust and familiarity that existed between her and her relative further facilitated her cross-border mobility.

While the other two shop owners in Ban Sing were also able cross the checkpoint without documents or fees, the daughter of one of them was still required to pay the fee on the Lao side of the border. Although she did not have to leave her ID card with the Thai Rangers, she bemoaned the fact that she had to pay the fee to the Lao official despite having helped her mother in the shop on a daily basis for several years and regularly crossing over the checkpoint to take orders from customers. It was taking her more time and effort than expected to establish the kind of relations that would lead to more flexible state practices. What is interesting here is that undocumented cross-border mobility was something worth striving for. It was not in the least deemed to be a dangerous or "illegal" practice. It was rather seen as a privilege, indicating not only a close relationship between the trader and the representatives of state power but also demonstrating the agency of the trader in this relationship. The daughter of the shop owner already had agency in her interactions with the Thai Rangers but not yet with the Lao authorities.

There was a difference, however, between the shop owners who had established close social (or kin) relations with the border guards on both sides, and the villagers from Laos who only crossed the checkpoint a few times a month. The familiarity between the shop owners and border guards was much stronger than between most Lao villagers and the guards. Although one of the Rangers in Ban Sing told me that by having worked at this duty station for a year, he now recognised most people's faces, the Rangers' familiarity with the border-crossers was based more on the latter's border performances during the border examination. This was particularly evident in the case of female visitors who came to shop at the border market. On busy border market days, the Thai

Rangers usually checked some of the Lao visitors' bags and pockets for drugs and weapons. While sitting in the paramilitary's hut watching them perform these duties one day, the guards visibly enjoyed checking the bags of women and girls whom they considered pretty (Image 14). The women and girls smiled and laughed consistently during this process. At one point, one of the guards laughingly turned around to me and said: "Aren't they beautiful, these Lao girls?" Many of the younger women and girls had done their hair and make-up, and were wearing nicer clothes than their regular everyday outfits. Speaking to a Lao NGO worker in Mueang Sayaboury about this, he confirmed my observation and explained: "I will tell you a secret about Lao people, especially when they go to the *talat nat* [border market] in Thailand, they will dress especially nicely because they know that Thai people look down on them and so they want to look nice when going there."



**Image 14: Thai Rangers search the bags of female Lao visitors at a customary border checkpoint (Source: Author)**

Aware of this stereotype, appearance was an important aspect of border performance for Lao visitors. Despite the fact that the women and girls were checked more often for the purposes of pleasure and sexual desire than for their potentiality as a threat, the women

and girls also behaved in a way that indirectly reaffirmed the Rangers' authority. This often stood in contrast to the young men whom the Rangers checked. Those young men who wore jeans and T-shirts were more frequently checked than middle-aged men who wore suit trousers and collared shirts. If not dressed in accordance with the 'norm', however, one's clothes may also impede on one's ability to cross the checkpoint. This was not just the case for young, male visitors at the border market who wore jeans and a T-shirt, thereby raising suspicion on the part of the Thai Rangers, but also the case for Thai border villagers who crossed the checkpoint to visit the Lao side.

Another example of border performances of Lao villagers on the Thai side involved my own encounter with two female traders who were sitting on blankets at the top of the pier next to the customary border checkpoint. They were selling fermented fish in small buckets for visitors to the border market to take back across the border. At the Thai border markets, Lao petty traders were tolerated by authorities to sell their own products as long as they only stayed for a short amount of time and if they sold only a small amount of goods. Wondering whether the two female petty traders were in fact from Laos, I approached them and after introducing myself, I asked where they came from. They simply smiled and responded: "From here! From the village here!" Later, I spoke to one of the workers at the customary border checkpoint and asked about the two petty traders. The worker explained that the two women were from a village in Ken Thao district. She then approached the women together with me and asked them the same question I had asked before, to which they responded that they were in fact from the Lao side of the river. I experienced a similar situation a few times during my research. It seems that many of the Lao villagers I met, and particularly those who were undocumented, felt compelled to switch their identity when speaking to me as a foreigner, thereby depicting me as a border examiner, but not so when speaking to Thai traders from the same border area with whom they were familiar and whom they trusted. This made the cultural intimacy that existed among people of the borderland further evident.

Border performances were also important at checkpoints on the Lao side. One of the female Thai border market traders in Ban Plee spoke of an incident with a Lao state official who did not allow her husband to cross over the checkpoint because he was wearing short trousers. When entering Lao territory, the border guard had maintained, men would have to wear long trousers. In this case, admission was refused on the basis

of wrong dress. Not only does this confirm the importance of performing according to the 'norm' in border examinations, it also demonstrates that what the 'norm' entails may be different on the Thai and Lao sides of the same checkpoint. While short trousers worn by Thai residents were unacceptable to Lao border officials, long jeans and T-shirts worn by Lao residents raised suspicion among Thai Rangers.

While it was clear that the "norm" was different on either side of the border, Thai border residents were generally more reluctant to cross over to the Lao side than vice versa. This was not merely due to the fact that Lao border residents were largely dependent on access to the Thai market but it was also based on Thai border residents' perceptions of Laos as well as the act of crossing the border itself. Mu, the female border market trader I introduced in Chapter 3, for example, had relatives on the Lao side whom she rarely visited. One of the reasons for not visiting them was because she felt that Lao state officials at the checkpoint were very suspicious of Thai border-crossers: "They stare at me, suggesting that I am carrying drugs!" which made her feel uncomfortable and afraid of the consequences in case they did accuse her of being involved in the drug trade. She also feared that the border official might impose a higher fee at his own will, which she would not be able to pay. Mu's reasons for not crossing over the border coincided with those of many of my other Thai informants whose trading activities did not involve crossing over the border regularly. Mu had not established any social relationships with border officials. She was especially discouraged to cross over the border, however, by her presumption of Lao officials' arbitrary law enforcement. Her and other Thai border residents' experiences with Lao authorities had, over many decades, cultivated a negative perception of Laos that was fuelled by their memories of the time before, during, and after the communist takeover in Laos (see Chapters 2 and 4). Among many Thai residents, the Lao state was seen as unlawful and deceitful. In other words, the Lao state was seen to be in a constant state of exception made way for arbitrary demands, incarceration, and even violence.

My own personal experience of crossing the border at the customary border checkpoint in Ban Plee reconfirms the importance of familiarity and social relationships. But it also demonstrates the important (and by scholars not often highlighted) fact that a checkpoint has two sets of authorities (one on either side) that can not only be very different in their practices but also that there can be differences in attitude and practice among the individual officers within these sets. During the height of the village festival

season in May 2012, I had been invited by my interlocutors to attend several festivals on the Lao side but state regulations stated that I had to cross over the Thai-Lao Friendship Bridge and acquire a Lao visa for USD 30 on every visit. Having lived along the border for more than nine months and having spent numerous hours in and around the customary border checkpoints in three Thai border villages, I decided that it was worth trying to cross over the checkpoint instead.

A local female trader who was a friend of mine accompanied me during this process in order to reaffirm my social relations with the local community. The Thai Rangers on duty that day knew me well and did not hesitate to grant me way of passage. They suspected however, that the Lao border officials would not be as flexible in their decisions. Indeed this was the case. Having crossed over by boat, we walked to the Lao border officials' hut, which was situated approximately 100 metres away from the pier where we arrived and on a small hill. We introduced ourselves. Unfortunately, my friend did not know the officials personally. After some friendly discussions and offers to pay a higher fee than the usual, the officials still rejected my request to enter their territory on the grounds that I was a third-country national.

Instead of walking back to the pier along the river, we walked along the street in the village. In doing so, we passed by the house of my friend's friend and my friend persuaded to pay her friend a visit before returning to the pier. In this way, I would at least get a sense of the festival atmosphere on the Lao side. Eventually we ended up inside her friend's house who turned out to be a wealthy and influential factory owner. At the time of our arrival, she and her husband were attending to several male guests around a large table and were drinking beer with them. Immediately, we were invited to join in. It turned out that the male visitors were all members of the Lao police and the man we were sitting next to was in fact the district head of the police. I felt extremely uncomfortable in this situation and to my shock and horror, my friend immediately told him our story. He listened, smiled and suggested that it was better for us to go home – but only after we toasted to another beer with him. He explained that he did not want to interfere with the local border officials' decisions but now that we were here, we should have a drink together.

While my citizenship status as a third-country national and my unfamiliarity with the Lao border guards restricted my cross-border movement across the customary border

checkpoint, my newly built social relations with the influential factory owner and the act of socialising with the district head of the police facilitated this movement at least for a certain time period. Once again, this reconfirms the argument made in this chapter that familiarity and social relationships play a more crucial role for cross-border mobility than legal documents. In my case, drinking beer with the district head of police was an act of building rapport with a state actors that both respected his authority and facilitated my presence on a territory that I had previously been denied access to. The act of drinking beer may be also seen as a border performance that was imperative to this facilitation. In the following I will demonstrate how my argument stands its ground even at the Thai-Lao Friendship Bridge, which is the only border-crossing site along the Hueang River that entails immigration and customs offices and where the act of crossing the border is most formalised and technocratic.

### **DECISION-MAKING AT THE THAI-LAO FRIENDSHIP BRIDGE**

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Every Saturday thousands of people attend the border market in Ban Plee, which is situated next to the Thai-Lao Friendship Bridge at the far end of the village. Most of its visitors come from Sayaboury province via the Bridge although many visitors also use the customary border checkpoint for the sake of convenience, familiarity, but also due to the fact that many do not have ID cards to present to the immigration officials at the Bridge<sup>65</sup>. Those who cross over the Bridge are not permitted to walk but must either hire a *samlo* (three-wheeler, see Image 15) for a fee or drive across the Bridge in a car themselves.

When traversing the Bridge, Lao citizens are required to show their ID or passport to the Thai immigration officials. With their ID, they can acquire a one-day temporary border permit (similar to the one at the customary border checkpoint) that allows them to attend the border and requires an immediate return. They can also acquire a three-day Border Pass, which allows them to work and travel throughout Loei province for three days and two nights and which may be extended up to three times<sup>66</sup>. With a passport,

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<sup>65</sup> According to my interlocutors in Laos, Lao citizens must go through a lengthy procedure to receive an ID card that entails several visits to the district administration as well as a fee, which many are not able or willing to pay.

<sup>66</sup> By extending the right to work and travel in Loei province to Lao citizens, the Border Pass may be seen as a type of “flexible citizenship” as described by Ong (2006) and also Pitch (2007). While Ong focused on the way citizenship rights are expanded to include non-citizens, Pitch also focuses on the disadvantages that go along with this expansion. He describes how Burmese labour migrants are allowed to work in Thailand, but are denied any labour rights that could provide a secure working environment.



Lao citizens can also obtain a visa that allows them to travel throughout Thai territory for up to 30 days. The Border Pass can also be acquired by Thai citizens who wish to visit Sayaboury province for up to three days. They must follow the same procedure on the Thai side as Lao citizens on the Lao side by showing their ID and paying a fee. The Border Pass is an important type of citizenship especially for Lao migrant labourers as it gives them the right to work within Loei province for up to nine days. It is also important for Lao traders as it gives them the right to cross over the border and buy goods anywhere within Loei province. Foreigners from outside Thailand or Laos are not eligible for this kind of citizenship. For Thai and Lao citizens, however, a valid ID card proving full citizenship status is a prerequisite to acquire the Border Pass.



**Image 15: Three *samlo* (three-wheelers) in front of the Thai-Lao Friendship Bridge, Thailand (Source: Author)**

Along with this paperwork, social relationships also had important implications for proceedings at the Thai-Lao Friendship Bridge. This became evident during one of my

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The same can be argued for the Border Pass along the Thai-Lao border as it allows Lao labour migrants to work within Loei province but does not provide them any further rights. Having said this, I suggest further research be conducted on the situation of Lao labour migrants in Loei province as it goes far beyond the scope of my own study.

visits to Laos via the Bridge. Having received a departure stamp on the Thai side of the border, I was on my way across the Bridge to the Lao immigration desk. I was sharing a *samlo* with two other women, one of whom was a migrant labourer who was on her way home after three days of work on the Thai side. The other woman was a trader from Ban Sawan, as she told me, and it was her who had loaded the *samlo* full of goods including vegetables and daily necessities. In fact, the three-wheeler was so full that the three of us had to sit in front next to the driver, holding on to the railings in order to not fall off. In the middle of the Bridge, the *samlo* stopped in order for us to show our documents to the Lao border official. The official checked my passport and the migrant labourer's Border Pass. He completely ignored the female trader who was also with us. Before he turned around to walk back and let us continue, however, the trader held out a bag of mangosteen for the official to take. The official thanked her for it and left. As we departed, she shouted out to the other officials as they waived and thanked her for the bag of mangosteen. As I later found out, she was the wife of another border official and was able to move (or had the privilege of moving) across the border without documents.

Malee's story from the beginning of this chapter stands in contrast to the trader's ability to move freely across the border without any documents. While Malee was denied admission to Thai territory on the basis of her invalid citizenship documents, the female trader mentioned above could draw on her social relationships based on her husband's work connections and her gift-giving practices with the border officials to gain access despite her apparent lack of documents. In fact, I would argue that she probably owned legal documents that would have allowed her to cross the border but that she was given the privilege to not need them. The very confident way in which she interacted with the border officials at the Bridge can also be seen as a border performance enacted to facilitate her way of passage. Not only did social relationships trump legal documents in the decisions of state officials to give or deny entry at the Thai-Lao Friendship Bridge, such relationships also led to a blurring of state and society. A final example shall further illustrate my argument on the various ways in which the state and society become blurred in the act of crossing the border.

It concerns one of the Lao middlewomen I became friends with named Vattana. She was from a small town near Mueang Sayaboury. She travelled across the border every week in her pick-up truck to buy goods in Mueang Loei for her customers in and around her hometown. She would drive her truck across the Bridge on a Friday evening and go

to Mueang Loei the following morning. On Friday evening, she would not stay in a tent next to the Bridge like the other middlewomen but instead she would visit a member of the Thai Volunteer Border Militia (*Or Sor*) and his family in their home. My personal relationship with the *Or Sor* allowed me to participate in their get-together one Friday night. There was much drinking and gossiping involved. Over time, Vattana had established such good relationships with the *Or Sor* that she and her friends were able to stay over in one of the *Or Sor*'s huts that were situated next to the Bridge. While other middlewomen had to stay in tents in the entrance area of the immigration building, this trader was offered her own single hut in the *Or Sor*'s compound, which she usually shared with a friend or her son. Although her relationship with the *Or Sor* did not allow her to move across the Bridge without documents, it did facilitate her cross-border mobility by allowing her to use the accommodation facilities normally restricted to the state. At the Thai-Lao Friendship Bridge, cross-border movement is thus regulated on the basis of identity documents that include the passport, the Border Pass and the temporary border permit. A closer look reveals, however, that these manifestations of the border are interwoven with other forms of knowing based on familiarity and social relationships.

## **THE SOCIAL LIFE OF SOVEREIGNTY**

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The micro-level perspective offered by my ethnographic findings provides an insight into the diverse practices of the state and interactions between state and non-state actors in the act of crossing the nation-state border. It demonstrates the extent to which legal documents are significant in gaining access to Thai territory at different border-crossing sites. Drawing on social relationships, familiarity, and gift-giving practices with state officials, non-state actors are able to navigate and influence the uneven landscape of sovereign power in a way that facilitates their cross-border mobility even without identity documents. In this way, the documents that Navaro-Yashin so eloquently analyses as “psychically charged phenomena” (2007: 95) become meaningless, are often ignored, and instead trumped by the familiarity and cultural intimacy between the authority in the borderland and the temporary visitor. Social relationships and border performances should thus be seen as complimentary aspects to citizenship along the border.

It must be noted, however, that Lao border-crossers at the customary border checkpoint had to submit their temporary permits (and only identity documents) to the Thai Rangers upon arrival. In doing so, they were merely protected by the authorities they had been granted entry by and not by those authorities located outside the confines of the village. From the perspective of state regulation, this not only delimits the visitor's movement but also the temporariness of their stay. This is also the case for many other villagers who live along the Hueang River, for whom crossing over the border is an integral part of everyday life that does not entail border examinations but who build on the trust with the border guards that are in charge of their area. When crossing over the Hueang River in residential areas or even at the customary border checkpoint, such villagers must stay within close proximity of the border or could otherwise face fines or detention. It is therefore important to acknowledge not only how social relationships and border performances facilitate movements across the border but also how this seemingly free movement without documents is restricted to the immediate border area.

By becoming familiar and engaging with border residents, by gaining their trust, but also by blurring the lines between state and society, Thai border guards are also able to monitor and better regulate cross-border movement. This allows them to gain access to most if not all border-crossing sites along the Hueang River. In contrast to a conceptualisation of the state as oppressor, this type of regulation is more collaborative in nature (Walker 1999). Border residents who are unfamiliar to them and those who do not perform according to the "norm", on the other hand, are checked with higher scrutiny and may face detention, fines, and deportation. Individual border guards and state officials with different ranks and responsibilities may also differ in the way they interact with the local population, which may influence their decision-making and regulation of the border as well.

Highlighting the flexibility of state practices on both the Thai and Lao sides of the border thus provides not only a more differentiated view of borders. It also questions the simplistic conceptualisation of borders as sites of control where the state exerts power over its subjects (Salazar and Smart 2011: 75). Such a conceptualisation does not take into consideration the complexities of decision-making processes at border checkpoints and how these decisions may be influenced by social relationships and border performances. The social life of the (representative) sovereign (or "petty sovereign" as Judith Butler (2004: 56) would say) strongly contributes to the way the border is

regulated and how it comes into being in different places and at different times. Along the Hueang River, the state of exception may be seen as an exception to the border residents' everyday lives.

## CHAPTER 6

### INTRICACIES OF REGULATING SMALL-SCALE TRADE

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“Legality and illegality are [...] simultaneously black and white, and shades of gray.” (Heyman 1999: 11)

#### FIFTY SHADES OF TRADE

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Small-scale cross-border trade has withstood changing border policies, ranging from highly restricted trade during Thailand’s economic embargo against Laos from 1975 to the 1990s to the more recent cooperation efforts between the Thai and Lao governments. The latter efforts have been epitomised by the construction of a Thai-Lao Friendship Bridge in Loei province in 2004, which has facilitated and increased the overall cross-border trade in the area. However, the new border policies that followed the opening of the Bridge have also rendered trading activities across all other border-crossing sites illegal. Despite the new border policies, female traders have continued to trade daily necessities across local checkpoints outside the Bridge as well as across unmarked border-crossing sites. In contrast to drug traffickers and vehicle smugglers who operate clandestinely, most of the trade in daily necessities is conducted openly and visibly under the gaze of state officials who tolerate and facilitate this kind of trade to a large extent. At these sites, the Thai state’s control is not merely restrictive with regard to cross-border flows but characterised by a flexibility that facilitates some kinds of trade over others. The goods included in the small-scale trade of daily necessities were diverse, ranging from a can of iced coffee to several boatloads full of liquefied petroleum gas (LPG). Many of these commodities were subject to different limits of toleration by Thai and Lao border guards when traded across the nation-state border. In this chapter, I will analyse these limits of toleration in relation to notions of legality and licitness, and how such limits on the Thai side differed from the Lao side.

Although small-scale trade is often categorised as part of an informal “shadow economy” (Schneider and Enste 2003) of the border, the public and formalised character of small-scale trade that took place outside the Thai-Lao Friendship Bridge makes it difficult to apply such a simplified category. In order to understand the

intricacies of this kind of trade and its regulation, I examine the “micro-geometries of regulation” (Walker 1999) – the complex power relationships that bring order and stability to what may otherwise be seen as an unruly, chaotic, and porous border. Following Walker (1999) I argue that if we wish to unravel the complex realities on the ground, we must broaden our understanding of regulation to include the agency of different non-state actors and acknowledge the interrelation and blurred boundary between state and society. Several studies have shown how trade is regulated by social norms beyond state policies (Titeca and Herdt 2010; Schoenberger and Turner 2008; Harris-White 2009). In her study on informal trade in India, Harris-White acknowledges that forms of social regulation “bring order and stability to a rich complexity of forms and scales of production, ownership, contract and exchange relations” (2009: 156). By distinguishing state and social regulation, however, she reproduces the state-society, and formal-informal dichotomies. While formal trade is regulated by the state, the latter is supposedly regulated solely by social norms. The way small-scale cross-border trade is regulated in my research area challenges such a perspective. As I will demonstrate, it blurs not only the state-society dichotomy but also the legal-illegal and formal-informal dichotomies that are so often used when describing small-scale trading activities.

Although there is no accepted definition of the informal economy, it is usually described as covering all economic activities that operate outside the regulatory framework of the state (Portes et al. 1989: 12). Due to its presumed evasion of state regulation, Portes and Haller suggest that the informal economy is “capable of subverting the economic and political order of nations” (2005: 403). When taking on such a perspective, small-scale trade is often equated with the resistance of the local population against a malfunctioning or weak state (Tagliacozzo 2001; Little 2005; Turner 2010; Eilenberg 2012; Gauthier 2012). As such, small-scale trade is often equated with illegal activities. Some studies, however, distinguish between the informal and the illegal. The International Labour Organisation (ILO), for example, argues that informal activities involve legal goods and services (such as clothing) while illegal activities involve illegal goods and services (such as drugs) (ILO 2013: 4). In the introduction to their edited volume on small-scale trade and smuggling, furthermore, Bruns and Miggelbrink (2012) consider small-scale trade to be legal and smuggling to be illegal.

As many scholars have duly noted, simplified classifications of the informal and/or the

illegal usually do not adequately capture what happens on the ground. Galemba argues that trading activities can be “simultaneously formal, informal, legal, and illegal” (2008: 20) and along the Thai-Malaysian border, Suparb found that “trading activities in border areas are often inseparable from smuggling and involve the state and its public servants in various ways. Conflicts, co-operation, corruption, even sometimes violent confrontation can all occur” (1989: 114). However, Suparb conceptualises any kind of trade that is not recorded by the state as either smuggling or informal trade, no matter how state officials were involved in such practices. Pitch, on the other hand, made similar observations along the Thai-Burmese border and comes to the conclusion that: “smuggling at *Mae Sai* [Thai border town] has been institutionalized by being informalized in such a way of being part of the formal border trade system” (2007: 268 italics in original). Although he uses the simplified classification of the informal throughout his thesis he clearly states that it does not adequately capture what is happening on the ground (2007: 263). In the case of the Thai-Lao border, researchers at the Development Analysis Network (DAN) estimate that informal trade may account for 20-30% of overall trade (2005: 11). But they also finds that the formal sector has strong ‘non-formal’ characteristics, “making bipolar categories like formal-informal not always meaningful” (2005: 12).

One of the barriers to making sense of small-scale trade across borders is the terminology used within the social sciences, which is confined to the territorial structure of the nation-state (van Schendel and Abraham 2005: 38f). Although advances have been made in studies on migration, transnationalism, cross-border flows, as well as studies on space and place, the social sciences still lack the tools to fully overcome methodological nationalism (Wimmer and Glick Schiller 2002) that takes for granted an isomorphism of nation, state and society. Several studies use emic terms to describe the kind of traders that operate in the muddy waters of the legal and illegal, and the formal and informal. They include “suitcase traders” (Miggelbrink 2014: 153), “tourist traders” (Hann and Hann 1992), “shuttle traders” (Yukseker 2004; Holtom 2003), “baggers” (Ribeiro 2009), and “ant traders” (Gauthier 2012).

In my research area, the term for female small-scale traders specialising in border trade was the same as all other types of female traders (*mae kha*). Nonetheless, the practices of female cross-border traders covered a spectrum of formal to informal, legal to illegal, and licit to illicit aspects. This latter classification of licitness has not been used widely



in studies on small-scale trade but I find it useful in that it allows us to gain a deeper insight into the perspectives of the actors involved in the trade themselves. Van Schendel and Abraham (2005) employ this classification to understand what people who are involved in transnational networks consider to be legitimate (licit) vis-à-vis what states consider to be legitimate (legal). The concept of licitness thus brings attention to conceptualisations of legitimacy that go beyond the state and the law. In the ethnography presented here, however, the differentiation between legitimacy from the perspective of transnational traders and that of the state begs the question: What happens when the state itself is involved in transnational networks that fall outside the realm of the state? What do state actors perceive to be licit and illicit?

In order to answer these questions we must not only account for the perspective of state actors with regard to their involvement in such trading practices but also look at the way they interact with non-state actors in the regulation of trade. Border studies have been much concerned with such interactions and have brought to light different types of interaction ranging from predatory state practices (DAN 2005, Kusakabe 2009) to more collaborative forms of regulation (Walker 1999, Jakkrit 2006, Phadungkiati and Connell 2014). Where the negotiations and transactions between state and non-state actors involve money, they are often labelled as bribery and corruption (Fadahunsi and Rosa 2002; Endres 2014). In order to gain a better understanding of corruption, several anthropologists have studied it with a particular focus on practice (Gupta 1995; Bubandt 2006). For Ruud, the simple act of corruption is “only one among many outcomes of habitual practices” as it “involves habitual networking, negotiation and manipulative application of ideas and moral arguments” and “just happens to involve a holder of a public position” (Ruud 2000: 1). I argue that by beginning with the premise that they are dealing with corruption in the first place, these studies reinforce the state-centric perspective they are aiming to debunk. In my own analysis that makes up the latter part of this chapter, I argue that we must differentiate between gifts, tribute, and bribes in order to understand the variety and complexity of such transactions. I then take a closer look at different kinds of bribes and suggest that we must distinguish collaborative and predatory forms of bribery.

The analysis in this chapter builds on the findings of previous chapters, particularly with regard to the involvement of state actors in small-scale trade and their social embeddedness. In Chapter 4, I described the situation and everyday lives of state actors,

explaining how Thai Rangers interpreted their duties along the Hueang River in a way that excluded the restriction of small-scale trade of daily necessities and instead focused on finding drug and car smugglers. I also demonstrated how their social embeddedness in the local community was undergirded by gift-giving practices that involved villagers offering tributes as a symbol of deference. I distinguished gifts from tributes and also mentioned how my interlocutors perceived tributary gifts to be different from bribes. An important aspect of both gifts and tributes was that they reinforced social relationships between state and non-state actors who were involved in small-scale trade. In Chapter 5, I highlighted how such social relationships often made it unnecessary for villagers and particularly traders to carry identity documents when crossing the border at the Thai-Lao Friendship Bridge and customary border checkpoints. Social relationships with Rangers also allowed Lao villagers in more remote areas to cross the river unmarked but more convenient border-crossing sites. On the other hand, a lack of social relationships with state actors was disadvantageous to many traders. This includes many Lao middlewomen who lamented the high and often arbitrary amount of tax demanded Lao customs officials at the Bridge.

As I will demonstrate in this chapter, the multitude of social relationships, gift-giving practices and bribes are part of what makes the nation-state border appear porous despite forms of regulation that create order and stability on the ground. Through an investigation into the grey areas of the legal and illegal, and the formal and informal, and how these intersect with each other, we can come to see how, when, and where the border unfolds. I begin this chapter by uncovering the flexible legality that existed on the Thai side of the border with regard to small-scale cross-border trade and how this differed from the Lao side. I then discuss how Thai and Lao border guards tolerated trade on the basis of what they deemed to be licit and how Thai border guards were often complicit in traders' attempts to circumvent Lao state officials. The second part of the chapter explores the tributes and bribes given to Thai and Lao border guards in more detail. I argue that due to the lack of legal flexibility of the Lao side, bribes were more prominent among Lao than among Thai border guards but also that many bribes were more collaborative than predatory in nature. Such an analysis of how trade is regulated through the practices and interactions of state and non-state actors reveals the multilayered and multifaceted nature of the border.

## **FLEXIBLE LEGALITY AROUND SMALL-SCALE TRADE**

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At the Thai-Lao Friendship Bridge, small-scale traders who transported goods from Thailand to Laos had to go through immigration and customs. Although the Thai government had lifted export duties on most goods by 2012 (Thai Customs Department 2015), traders still had to follow customs procedures. On the Thai side this involved hiring a broker to issue an export declaration. On Saturdays when the border market took place next to the Thai-Lao Friendship Bridge, a female broker from a local export shipping company situated herself next to the immigration counter. Traders who had shopped at the market had to show her the goods they were exporting (as they had no receipts) and provide her with an estimation of the value of their goods. Traders who had bought goods at the wholesalers in Mueang Loei provided the broker with their receipts. Based on this information the broker filled in the export declaration form and sealed it with a stamp. The export declaration form provided the basis of negotiating the import duty with customs officials on the Lao side. The cost for the broker's service was graduated according to the amount of goods exported. For a pick-up truck full of goods it was usually around 300 baht. For a *samlo* (three-wheeler) full of goods it was approximately 40 baht<sup>67</sup>.

While the bulk of daily necessities was traded across the Thai-Lao Friendship Bridge, a considerable amount continued to be traded across the three customary border checkpoints in my research area. As described in Chapter 2, customary border checkpoints were previously ports of toleration (*jud phon pron*) – temporary border checkpoints established as part of the rapprochement of the Thai and Lao governments in the 1980s. The ports of toleration were open on border market days and overseen by the Volunteer Border Militia (*Or Sor*) and later Thai Rangers as well as customs officials. In addition to the ports of toleration there was also a permanent checkpoint for the purposes of large-scale trading activities, which went through customs. With the opening of the Thai-Lao Friendship Bridge in 2004, the ports of toleration were transformed into customary border checkpoints and all trading activities were redirected to the Bridge. At the same time, the permanent checkpoint was shut down and an

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<sup>67</sup> Interestingly, all my informants used the term “tax” (*phasi*) to describe the cost for the broker's services even though the money went to a private company. This reflects local conceptualisations of governance that mix the public with the private, thereby problematising the state-society dichotomy (see also Walker 2012; Singh 2012).

additional customary border checkpoint opened<sup>68</sup>. The Thai side of a checkpoint was guarded by a group of paramilitary Rangers and the Lao side by specially trained policemen, which I will refer to as border officials. On each side of a checkpoint there was an additional hut for the boat operators and labourers (*kamakon*) who transported the goods from the Thai to the Lao side in motorised and unmotorised wooden boats.

Upon my arrival at one of the checkpoints, the local Thai paramilitary explained to me that these border-crossing sites were for the use of the residents in the adjacent Thai and Lao villages only. The villagers could cross the checkpoints to visit each other. Lao villagers were also permitted to cross over them in order to buy daily necessities at the local Thai border markets for their own personal consumption (*chai eng*). It quickly became clear, however, that the local border officials were tolerating the transportation of larger amounts of goods across the checkpoint than merely for personal consumption. At one of the checkpoints, the sole responsibility of the labourers (*kamakon*) who worked alongside the boat operators was that of packing, carrying, lifting and loading wholesale goods from the shops at the checkpoint into the boats along the river. On the Lao side, another group of labourers unloaded the goods and used motorbikes to deliver them to the shops in the Lao villages.

According to a member of the Thai Volunteer Border Militia (*Or Sor*), all departments and levels of government were aware of the small-scale cross-border trade conducted across these checkpoints. The local head also reported that the provincial governor of Loei had ordered the local state officials to “tolerate a little bit [of trade]”. Indeed, one of the village headmen (*phuyaiban*) explained that the regulation of cross-border flows was, in practice, not the provincial government’s but the local authorities’ responsibility. The village headman of a neighbouring village explained that the Thai government (*rathaban*) tolerated this kind of trade because the sales and export of goods was beneficial to the local economy. He contrasted the situation on the Thai side with that on the Lao side where the import of such goods was subject to customs duty (see ASEAN 2014). The regular trading practices across the customary border

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<sup>68</sup> Several terms were used to describe the checkpoints. Some informants called them *dan prapheni* (customary border checkpoint) while others called them *jud tha kham prapheni* (translated literally as “customary place to cross over”). In an interview with a Thai customs official, furthermore, he remarked that these checkpoints were “not real ports of toleration” (*jud phon pron mai cing*) but not illegal either. A Lao tourism website makes a clear statement, namely that the term *dan prapheni* is the Lao term for such checkpoints and that there is no Thai equivalent of the term. In Thailand, according to the same website, there is only one official checkpoint category, which is the permanent checkpoint (*jud phan daen thawon*) (Louangprabang.net 2013). In my research area this was the Thai-Lao Friendship Bridge.

checkpoints that involved the wholesale of daily necessities were therefore subject to occasional scrutiny by Lao customs officials. Traders who had been intercepted by customs officials outside the Thai-Lao Friendship Bridge reported that the officials not only issued a fine but also seized their goods. In the case of a trader who was exporting a box of live fish across the river, according to my interlocutors, the Lao customs officials confiscated the fish by setting them free into the Hueang River. In another case that involved fresh chicken eggs, the customs officials destroyed them on the spot.

This means that any cross-border trading activities outside the Thai-Lao Friendship Bridge were de jure illegal on both the Thai and the Lao side. On the Thai side, however, small-scale trading activities can be described as de facto legal as they were tolerated by all levels of the Thai government. On the Lao side, such activities were de facto illegal as made evident by occasional checks and penalties by customs officials, but tolerated by local border guards. While I will come back to these contradictions within the Lao state, I will focus on the legal flexibility on the Thai side for now. The duality of de jure illegality and de facto legality on the Thai side was highlighted in several comments made by traders and Thai state officials alike. For example, the same village headman who had explained why small-scale trade outside the Thai-Lao Friendship Bridge was tolerated by the Thai government also lamented that it was illegal. He explained that this forced border villagers into smuggling (*laklob*). Among the traders and boat operators involved in small-scale trade, this duality was also apparent. They were very clear in their understanding that only small-scale trade (*gankha leklek*) was tolerated, as one Lao shop owner explained: “The Lao policeman and Thai soldiers [Rangers were called soldiers in Thai] don’t allow goods to be sent across the checkpoint in high amounts on a daily basis since that would be tax evasion (*ni phasi*)”. During a visit to the boat operators on the Lao side, furthermore, one of the workers justified their practices while carrying boxes of fertiliser to the local houses: “Everything we are doing is legal you know!”

As the Lao shop owner already noted, only small-scale trade (*gankha leklek*) was tolerated. What kind of goods and how much trade this entailed, however, was at the discretion of the local border officials. As I will demonstrate, the conditions under which small-scale trade became de facto legal on the Thai side were based on conceptualisations of licitness but also on a familiarity between individual Rangers and the traders involved in small-scale trade. While this benefited those traders who had

established relations with such border guards and who knew how to negotiate with them, it was to the detriment of those traders who could not draw on such relations and who were turned away at the customary border checkpoints and redirected to the Bridge.

The conditions for a de facto legality were also not the same among the individual Thai border officials. The answers I received from Thai Rangers with regard to *how much* trade they tolerated ranged from “a little” (*noy / nit noy*) to any amount of goods at all. An example for the latter was a Ranger who had been stationed in the area for two months and was already familiar with many border-crossers from the Lao villages across the border. It was a border market day and the boat operators had just transported a full boatload of watermelons across the river for a female Lao trader. Asking the Ranger how many more watermelons the trader could transport across this checkpoint he replied that it would not make a difference to him whether someone carried ten bags of watermelons across the river or even one thousand. He explained: “I am good-hearted” (*jai di*); I give way (*anulom*) to any amount of trade”. The attribute of being good-hearted is highly valued in Thai culture<sup>69</sup>. It was therefore more important for this Ranger to be recognised as good-hearted than to impose his power on the cross-border traders in this area by delimiting their amounts of trade.

While the Thai border guards’ flexibility was conducive to the Thai and Lao shop owners who traded across the customary border checkpoints, such traders seemed to have their own agenda with regard to the limitations on trade. The shop owners located on the Thai side of the customary border checkpoints, for example, provided a comparatively narrow definition of the small-scale trade that was allowed to pass through the checkpoint. Initially, they merely distinguished between the “large-scale trade” that must pass through international customs, and the “small trade” that may pass through the customary border checkpoints. But on the question of how many wholesale goods exactly the border officials would tolerate at such checkpoints, some traders mentioned “a few boxes” while others said that the trading activities of four to five shops was considered “small-scale”. It thus seems that the answers given by such traders legitimised their own trading activities. Due to the limited capacity of the

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<sup>69</sup> In the Thai language, the heart (*jai*) is an important idiom for the linguistic expression of emotions and used in a variety of ways including staying calm in the face of distress (*jai yen*), being deferential (*graengjai*) and demonstrating good will (*nam jai*) (Cassaniti 2015 footnote 3).

wooden boats used to transport goods across the river, each shop could only ever send “a few boxes” of goods across at a time.

On the one hand, the shop owners’ definition of small-scale trade was broad enough to accommodate the amount that was currently being traded across the customary border checkpoint. On the other hand, this definition delimited the extent of small-scale trade. It would not allow any further shops to engage in this kind of trade. It may thus be argued that the shop owners themselves have a vested interest in delimiting and hence regulating this kind of border trade (see also Walker 1999). By defining “small-scale” in this way, the local traders not only participated in regulating cross-border flows but also in rearticulating the border to their own advantage. This reconfirms Grimson’s statement when he concludes that traders “do want state borders but they want them on their own terms” (Grimson 2002: 168).

### **THE IMBRICATION OF THE LEGAL AND THE LICIT**

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Not only did Thai Rangers differ in how much trade they tolerated but also in what kinds of goods they tolerated. This was strongly intertwined with their conceptualisations of licitness. Generally, the goods that fell into the category of daily necessities were considered to be licit, as one Thai Ranger explained: “We [the Rangers] allow (*anulom*) people to trade daily necessities (*khruang ubpaphok boriphok*) because these are the goods they need for everyday life. There is a problem with methamphetamine pills (*yaba*) and marihuana (*gancha*) though. They are smuggled (*laklob*) from Laos to Thailand...also with cars and motorcycles, which are smuggled across from Thailand to Laos at night”. Daily necessities were thus defined as items that people needed for everyday life. They were contrasted to drugs and vehicles, which were not only illegal but also illicit. At a closer look, however, it became clear that daily necessities themselves could entail a spectrum of licit to illicit goods.

One example of goods that were considered fully licit were small amounts of non-timber forest products (NTFP) such as vegetables, fruits, coconut rice desserts as well as edible worms, all of which were sold by Lao female traders in Thai border villages. Such female Lao traders usually travelled across the customary border checkpoints in the early mornings and sold their goods to villagers at morning markets, and by going from door to door through the village. Most of the Lao women selling NTFPs were established traders who had been conducting this kind of trade for many years, who had

strong social and kinship networks, and a regular customer base. They were well-known among Thai Rangers and often left a small bag of peanuts or worms with the Rangers as tribute upon arrival on the Thai side. One female vegetable trader usually borrowed a motorbike from a relative on the Thai side, which she used to travel from door to door in several Thai villages. According to the Development Analysis Network (DAN 2005) the import of NTFPs from Laos to Thailand must undergo the procedure of obtaining both export and import licences specific for NTFPs. At the customary border checkpoint, however, such items were clearly seen as part of the category of daily necessities. Local border officials tolerated their cross-border trade on a “small scale” basis.

The goods that were traded from Thailand to Laos across customary border checkpoints and unmarked border-crossing sites included a wide range of products including soft drinks, instant coffee, instant noodles, crisps, shampoo and washing detergent but also clothing items, liquid petroleum gas (LPG) used for cooking, petrol, and during the rice planting season, fertilisers and pesticides. While Thai Rangers tolerated most food items, they restricted certain goods including sugar, LPG, and petrol. With regard to sugar, the head of a group of Rangers in one village made clear that they tolerated only very small amounts, i.e. one kilogramme of sugar. Sugar was restricted because it was subject to a higher import tax in Laos and because it stood in competition with the local sugar production in Laos. According to the shop owners, it was thus not only the Thai Rangers who restricted the transportation of sugar across the customary border checkpoints but primarily the Lao customs officials who occasionally came to patrol the area. In response to the limitations on sugar, shop owners and traders at the customary border checkpoints packed strategically by putting the sugar at the very bottom of a bag of goods and other items above. Sometimes a pre-packaged box of wholesale goods was also unpacked and its lower half refilled with bags of sugar and the upper half with fully licit goods. Such practices of re-packing were not hidden practices. In fact they were often conducted in front of the shops where Rangers could easily see them but usually paid little attention to. It can therefore be summarised that sugar was considered less licit (or more illicit) than food items such as instant noodles and soft drinks but also not fully illicit.

Thai Rangers at customary border checkpoints also tolerated small amounts of LPG. One Ranger explicated that he tolerated one litre of LPG per person while another told



me he tolerated five litres per person. According to a shop owner, however, the local Thai Rangers tolerated an amount of ten litres of LPG, highlighting once more the varying limits of toleration among the individual border guards. The reason for restricting LPG, according to a border resident, was that it could be used to build explosives and bombs. Despite these restrictions, the local traders and boat operators regularly exported larger amounts of LPG from Thailand to Laos in the early mornings before the customary border checkpoints opened and sometimes during lunchtime when the guards on both sides of the border were out for lunch. When observing this traffic during lunchtime one day, the boat operators exclaimed “*phit godmai!*” (this is illegal) as they were passing bottles of LPG to each other over my head. Because border officials only tolerated a small amount of LPG to be traded across the border, boat operators had to resort to circumventing the officials when transporting larger amounts. This makes clear how thin the line is between the legal and illegal, and the licit and illicit.

I also learnt during one of my later visits to the Lao side that quite a few of the shops in one of the border villages were selling canisters of petrol to the small petrol stations in the Lao village across the border. When staying with a family of boat operators in a Lao village for a few days, I was able to observe how the group of boat operators transported petrol canisters from the Thai to the Lao side already in the early morning. When I had previously asked the Thai shop owners about these activities they had continuously denied them. The fact that the Thai shop owners never felt comfortable enough to speak to me about their involvement in the petrol trade highlights the illicit status of petrol. While LPG in small amounts was considered licit by border officials and could be traded under their gaze, larger amounts of LPG as well as any amounts of petrol were considered illicit. Traders and boat operators resisted the restrictions on LPG and petrol by trading them clandestinely. In spite of such clandestine activities, I argue that border officials were able to maintain control over small-scale trade to a large extent by tolerating certain types and amounts of trade and delimiting others. I suggest that if de jure illegality of all kinds of trade outside the Bridge was de facto enforced, it would only increase smuggling and also bribery.

This is substantiated by the way trade was conducted in relation to Lao state officials, particularly to Lao customs officials but also to local border guard to a certain extent. Lao border guards generally turned a blind eye to the small-scale trade of daily

necessities across the customary border checkpoint but demanded regular monetary payments in return. While I will discuss these payments in a later section, it is important to note that there were also differences between Lao border guards with respect to the amount and the kinds of goods they tolerated in return for bribes. According to Thai and Lao shop owners, some Lao border officials restricted the import of sugar (as discussed above) but also of several fresh products from Thailand including eggs, fresh pork, chicken meat, and fish as well as NTFPs such as mushrooms and vegetables. This was to protect local Lao producers.

As a consequence of these restrictions, Thai shop owners helped their Lao customers circumvent Lao border officials by bringing restricted goods to unmarked border-crossing sites where her Lao customers picked them up by boat. One Thai shop owner, for example, regularly brought eggs to an unmarked border-crossing site. The same shop owner explained that the local Thai Rangers were aware of this practice. Even though she had offered to compensate them for tolerating this practice they simply let her continue without further mentioning it. The different tolerations on the Thai and Lao side meant that the same goods that were considered to be licit by Thai Rangers could turn into smuggled goods from the perspective of Lao state officials as soon as they touched Lao soil. By tolerating the cross-border trade of goods that were restricted on the Lao side, furthermore, Thai Rangers not only sustained the survival of Lao border residents but were also complicit in circumventing restrictive Lao state officials.

So far I have highlighted the flexible legality on the Thai side of the border and provided a nuanced view of what types and amounts of commodities are tolerated by Thai and Lao border guards across customary border checkpoints. While I have emphasised how this toleration is based on individual conceptualisations of licitness, in the next section I bring attention to the important role of social relationships and gift-giving practices in the regulation of small-scale cross-border trade, and how these are interlinked with conceptualisations of licitness.

## **SOCIAL RELATIONSHIPS, TRIBUTES, AND BRIBES**

I have demonstrated extensively in previous chapters (particularly Chapter 4 and 5) how social relationships between state and non-state actors were part of everyday life in my research area. At customary border checkpoints, Rangers often sat in the boat operators'

huts and shared food with them. As part of their social embeddedness in the local community, Thai Rangers received gifts from traders at the customary border checkpoints and other villagers on a regular basis. Shop owners on the Thai side called such gifts *khongfak* (gift, souvenir) and shared the cost of these with their customers on the Lao side. The reason for providing border officials with gifts was not described as bribery or corruption but simply as a way of respecting a person of higher status (*graengjai*). Thai Rangers, it was reported among my interlocutors, never asked for such gifts after all but only accepted them as a token of appreciation. In Chapter 4, I discussed the difference between gifts that were given as part of a reciprocal gift exchange, and those that were given as tribute to people with a higher status. While I was personally involved in a reciprocal gift exchange with shop owners and also Rangers, I argue that the *khongfak* given to Rangers by shop owners should be seen as tribute as these gifts were not reciprocated by the Rangers but merely accepted. Tributes differed from bribes in a variety of ways including their nature and the way they were given. Where tributes usually consisted of food or drinks and offered in public, bribes consisted of money and were paid in secret.

Lao state officials were also socially embedded in the local community where they lived with their families. They maintained social relationships with traders and their families on a reciprocal basis but also accepted tributary gifts. Social relationships between Lao state officials and traders were particularly helpful to traders when it came to paying import duties on the Lao side of the Thai-Lao Friendship Bridge. Lao middlewomen, for example, who had bought goods in Mueang Loei and who drove their pick-up trucks filled with goods across the Bridge had to stop their vehicles at the Lao customs office. The officers there would then make a rough estimate on how much tax should be paid based on the export declaration that had been issued by the Thai broker and also by inspecting the trader's vehicle from the outside. Sometimes the customs official inspected the goods more closely. The import tax (*phasi*) for a pick-up truck full of goods usually amounted to 2,000 or 3,000 baht.

According to my informants, negotiations with customs officers were possible but only if they knew them well. A shop owner on the Lao side explained: "If you know each other, then they will lower the cost down to 1,000 or 1,500 baht...if you are relatives (*pen yat kan*), if you are close friends (*pen phuean sanit kan*) or if you help each other out (*suay luea sueng kan lae kan*), if your families help each other out". The shop owner

said his family knew the family of one of the customs officers who worked at the Bridge well. The two families often invited each other for food and festivities. Several of the other shop owners who travelled across the Bridge in their own pick-up trucks also knew the customs officials well and received discounts on customs duties. Some of the middlewomen from further inside Sayaboury province also mentioned that they received discounts due to the frequency of their journeys across the Bridge.

While social relationships could result in tax reductions at the Bridge, they were also conducive to small-scale trading practices across customary border checkpoints. Here, the small-scale trade of licit goods was undergirded by regular tributary gifts given to Thai Rangers. However, Thai Rangers also received gifts in exchange for turning a blind eye to the cross-border trade in *less* licit goods. Such cases differed from those involving *more* licit goods in that they would be traded across unmarked border-crossing sites and that the gifts were given in a less public setting. At the market in one of the Thai border villages, for example, there was a female Lao trader who sold fresh pork every morning. She had grown up in a Lao border village not far from there and came to live on the Thai side ten years ago in order to live with her current Thai husband. Her father still lived in her hometown on the Lao side. Every morning he bought fresh pork at the central market in his Lao village and delivered it by boat to the Thai riverside at 5am where his daughter waited for him. She would then sell the meat at the Thai market and share the profits with her father.

On some days, Mae Gung would encounter a Thai Ranger who patrolled the riverbank. The encounter was accompanied by a gift-giving ritual, which she described in the following way: “Sometimes I must share some of my pork with the soldiers as a thank you for being able to take it across the border. They will not ask for anything, but sometimes they will stop me when I pass by and then I know already that I must share some pork with them. This doesn’t happen very often. If I gave them a share every day then I would not earn enough money to make a profit.” At the international checkpoint the import of fresh pork to Thailand was subject to import permits, phytosanitary and sanitary certificates (GAIN 2009). Not only did the Thai Rangers allow small amounts of meat to enter the country without such permits and certificates, they also did so without specifically demanding any money that could point to bribery. This suggests that Thai Rangers deemed this kind of trade to be licit. However, in the trader’s description of the gift-giving process, she described how the Rangers implicitly

demanded a share of her goods (even if they did not use any words) so that the share of meat could also be seen as a kind of bribe rather than tribute. Clearly, there is a vast grey area between tributes and bribes that further blurs the boundaries between the legal and illegal, and the licit and illicit.

Keeping this grey area in mind, there were also cases of gift-giving that can be classified more clearly as bribery. In such cases, Thai Rangers demanded gifts in exchange for turning a blind eye to the clandestine trade in more illicit goods. Such goods included larger quantities of LPG as well as petrol. These were usually transported across unmarked border-crossing sites and sometimes across customary border checkpoints outside the border guards' working hours. According to my interlocutors, not all Thai Rangers made monetary demands for the toleration of such trade and some did not tolerate it at all. Monetary demands, furthermore, were also a new development in my research area. According to one of my interlocutors: "They [Rangers] used to be satisfied with goods like coffee and snacks but now they want money too. How much they want depends... If a new soldier [Ranger] starts working at the checkpoint then he might want food instead of money. It depends on the person." When describing how much she gave the Thai Rangers, a Thai shop owner used the term *kin ngen* (lit. translation: to eat money). The Rangers usually "ate" 200 to 300 baht per day but it really depended on the person: "some eat a lot, some don't eat", the woman explained.

In Laos, the term *kin ngen* is often used colloquially in the context of corruption. But it also has resemblance with the term *kin mueang*, which denotes the style of governing in 19<sup>th</sup> century Thailand. In this system, bureaucrats treated their public office as a private domain, generating revenue and receiving gifts for personal gain (Pasuk and Sungsidh 1996: 3). This laid the groundwork for patron-client relationships (Hanks 1962) that are still an important part of Thai society today (see Arghiros 2001 for a critical discussion of this). The term *kin ngen* also resembles the term *kin sinbon* (lit. translation "eat a bribe"), which is commonly used to describe corrupt practices in the modern Thai nation-state. These connections suggest that the trader was using a more subtle expression to describe the corrupt practices of local border officials. Since the money was demanded before the trade in LPG and petrol took place, such transactions also fit in with the characterisation of bribery based on other scholars' findings (Pasuk and Sungsidh 1996; see discussion Chapter 4).

As a term that was born out of Western conceptualisations of the law, corruption is always (even if implicitly) placed in contrast to Weber's ideal-type bureaucracy that is seen as the prerequisite for a functioning nation-state (Bierschenk and Sardan 2014: 10ff). As we have seen, bribery on the Thai side of my research area occurred more often where a specific kind of trade was not only *de jure* illegal but also considered illicit. The trade in LPG, for example, became more illicit the higher the amount of LPG was involved. Watermelons, on the other hand, could be traded in unlimited amounts. In other words, corrupt practices were more strongly connected to conceptualisations of licitness than to *de jure* legality. While an assessment of the difference between tributes and bribes may be particularly relevant to policy makers, it also has important implications for the study of the state. It not only allows us to understand the different ways in which the state enforces its power but also how this is negotiated in the context of trade. As Humphrey has eloquently expressed it: "The bribe is not in essence just a payment for a commodity or service but is also a recognition of a person's socio-political, nonmarket status. This idea may provide a start for us to rethink bribery too, seeing it not so much as "corruption" and more as providing insight into the articulation of socio-political hierarchies of the people who make up "the state"" (Humphrey 2002: 146). In other words, when studying exchanges that may be interpreted as corruption, it is worth looking at the power constellations they represent, create, and rearrange. This is the aim of the following section, in which I take a closer look at how different parts of the state are differently involved in bribery.

## **COLLABORATIVE AND PREDATORY FACES OF THE STATE**

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As I have argued in the previous sections, a *de facto* illegality of trade gave rise to the smuggling of goods and bribery of border guards. As in the case of LPG and petrol, *de facto* illegal trade had to be conducted clandestinely, even where Thai Rangers turned a blind eye to them in return for money. It must also be noted that not all border guards were equally involved in such trade and a local online newspaper regularly displayed photos of Rangers who had intercepted smuggled goods hidden along the riverbank and/or the smugglers themselves (Sue Issara Loei 2012). This display of a *de facto* illegality of certain kinds of trade in the local online newspaper is an important manifestation of state power but must be seen as only one of many "faces of the state" (Navaro-Yashin 2004). From the perspective of traders, other faces of the Thai state included those of individual border guards with whom they could negotiate bribes for

the facilitation of such trade. As noted in the previous section, however, one of my interlocutors mentioned that monetary demands raised by Thai Rangers were a fairly new development in my research area and perceived as an additional burden to trading activities that were a continuum throughout the history of the area. Bribes to Thai Rangers in return for tolerating the trade in illegal and illicit goods were thus ambiguously perceived as collaborative and predatory.

On the Lao side, in contrast, monetary payments to state officials and border guards were an institutionalised part of the trading process for both legal and illegal goods and across all border-crossing sites. In fact, according to Stuart-Fox (2006: 60), payments to disregard illegal trade and arrangements with officials to underreport trade volume to reduce tariffs and duties have long been the most prominent and prevalent forms of corruption in Laos. In my research, however, I found that there were differences in how bribes were demanded by state officials, how they were given, and also perceived by traders. At the Thai-Lao Friendship Bridge, for example, Lao customs officers not only lowered the tariffs for traders whom they knew well and maintained reciprocal relationships with. They also increased tariffs on an ad hoc basis for their own personal gain. Traders who did not maintain social relationships with customs officials at the Bridge reported that duty rates were decided on ad hoc basis and depended on the officer's attitude but also on the negotiation skills of the respective traders. For such traders, duty rates varied every time they crossed the Bridge and were not predictable. For example, small-scale traders who did not own a car and who used the *samlo* (three-wheelers) to cross the Bridge paid customs duties of between nil and 300 baht. The long-distance middlewomen who regularly transported a full load of goods in their pick-up trucks usually paid between 2,000 and 3,000 baht, again depending on the official on duty, their negotiation skills, and the relationship they had with the officer. Most of my interlocutors who were subject to varying duty rates lamented their unpredictability, perceiving them as extortion.

At customary border checkpoints, on the other hand, bribes to local Lao border guards were a more predictable part of the trading process. At one checkpoint, bribes were negotiated directly between Thai shop owners and Lao border officials and the cost shared between the Thai shop owners and their Lao customers. One of my interlocutors on the Lao side described how Lao border guards demanded both goods such as instant coffee as well as money. The line between tributes and bribes became negligible here.

In terms of monetary value, it was reported that Lao border guards demanded up to 500 baht per day for the toleration of the daily trading activities across the customary border checkpoint.

Even though Lao border officials did not rotate from one duty station to another as often as Thai Rangers, they did occasionally get assigned to another location. When a new official began his duty, it could not be taken for granted that the official would engage in such bribes. A Lao shop owner explained in this respect: “When there is a new guard at the border then you must talk to him first...get to know him. You can’t do this with somebody that you don’t know. But most of the border guards are from this area anyway. But if they aren’t then you must get to know them in another way.” This expresses the notion that bribes were based on social relationships. Only when these had been established was there a possibility of using money to facilitate trading activities. Otherwise, the small-scale cross-border trade in daily necessities could be compromised on the Lao side and traders would have had to resort to strategies of circumventing Lao border officials. In this case, traders perceived the bribes to Lao border officials not so much as extortion than as an opportunity for the facilitation of trade that would otherwise be restricted.

At another customary border checkpoint, bribes were not paid directly by shop owners to border officials but via the local boat operators who acted as intermediaries between traders and the state<sup>70</sup>. The predominantly Lao boat operators had strong social relationships with the Lao border guards, which they had established over many years. At the end of each working day, the group of boat operators came together, counted and divided out their earnings. Every worker received an equal share, no matter whether they were operating a boat or carrying goods from the riverbank to a customer’s house. The Lao border official’s demand, as one of my interlocutors explained, was based on the boat operators’ earnings each day and usually amounted to about 10%, e.g. a 1,000 baht share out of 10,000 baht earnings. Given that there were usually about twenty people in the group of boat operators, the money given to the border official was an unequal yet predictable share. This underscores both the fact that social relationships were a prerequisite for bribes and the notion of the bribe as an institutionalised part of the trading process.

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<sup>70</sup> A shop owner explained that they paid money to the boat operators who then “cleared” the situation for them with the Lao border guards (*khau ja khlia hai*).



From this assessment of institutionalised bribes to Lao border officials, it could be argued that the trade in daily necessities was *de facto* legal on the Lao side after all. While on the Thai side, this kind of trade was tolerated at all governmental levels and by all state departments, this was not the case in Laos, as the following example will demonstrate. The bribery of Lao border officials was always a very much secret affair, not only *vis-à-vis* the public in general but also *vis-à-vis* other parts of the Lao state. More concretely, bribes to border officials had to be kept out of the sight of higher-ranking state officials such as Lao customs officials, which occasionally come to patrol the checkpoints. This became blatantly clear on one morning of my research when I was visiting one of the customary border checkpoints in my research area. At about 10am the Rangers' hut was empty and according to the shop owners, the Rangers had not been there for a few days as they were investigating a potential case of drug smuggling along another part of the border. On the Lao side of the checkpoint, the border guard was situated at his usual spot in front of his house, not paying much attention to the workers and boat operators who were transporting the goods across.

Suddenly, the workers rushed to the Rangers' hut and the shops along the street. Suspending all trading activities, they stood there watching the Lao side, discussing whether to continue or not. Apparently, a Lao customs officer had appeared around the Lao checkpoint. He was looking for cases of tax evasion and, having found any, would issue heavy fines after confiscating all respective goods. A few Lao villagers who had bought shampoo and milk in the Thai shops for their own personal consumption were waiting at the riverside to be taken back to Laos. The boat operators took them across while the other workers decided to rest in their bamboo hut. Just after 11am, the trading activities continued. The small wooden boats were once again fully loaded with goods and taken across. Explaining the situation, one of the local shop owners said that the Lao customs officer had now gone for lunch so they were able to continue their activities. Over the course of my research and the many hours I spent at various customary border checkpoints I encountered this kind of situation only once. According to my informants Lao customs officials only rarely carried out these kinds of inspections – they were exceptional. Nevertheless, the boat operators always kept an eye out for such officials along the Lao border villages and informed each other as soon as one approached the checkpoint.

In Laos, border guards are considered low-ranking bureaucrats (*nay noy*) while customs officials are high-ranking officials (*nay yay*). They differ in their responsibilities as well as their monthly salaries. With regard to bribes, one of my Lao informants said sternly: “Money must never be given to border officials in the presence of a *nay yay*”. Considering that Lao customs officials themselves were the recipients of bribes at the Thai-Lao Friendship Bridge, I suggest that Lao border officials at customary border checkpoints kept their own practices a secret from higher-ranking officials because they would otherwise have had to share their gains with them. As discussed in Chapter 4, the Lao state is characterised by patrimonialism and patronage as well as ambivalent loyalties (Rehbein 2007; Singh 2012). According to Stuart-Fox (2006: 61), personal gains made by Lao customs officials from underreporting goods at international checkpoints were likely to be paid up the local hierarchy of the Lao People’s Revolutionary Party (LPRP). Based on the case described here, this seems to have led lower-ranking officials to employ strategies that prioritise their personal gain over that of other officials and the constraints of the Party.

In my research area, bribes to Lao border officials not only contributed to the facilitation of small-scale trading practices across customary border checkpoints but also across unmarked border-crossing sites. On the Lao side, I visited a business along the river, which villagers referred to as the local checkpoint (*dan*) because the workers there also transported villagers across the river by boat against a small fee<sup>71</sup>. During the time of my research, the business was exporting rice to Thailand illegally<sup>72</sup> by circumventing Thai Rangers and bribing Lao border guards. The business owner reported that Thai Rangers had caught them before and had confiscated all the rice. “You can’t negotiate with them or pay them any money”, the owner said. “I have to smuggle the goods across (*laklob*), which is why I don’t send goods over the river every day. On the Lao side, you can pay the policeman to avoid any problems.” In order to circumvent Thai Rangers, local villagers on the Thai side were paid to keep an eye out for them. If a Ranger was spotted, all activities ceased immediately. At this unmarked border-crossing site Lao border officials thus turned a blind eye to the cross-border trade in rice in exchange for bribes. Thai Rangers, however, prohibited this kind of

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<sup>71</sup> Once again, a government term (*dan*) was used to refer to a private establishment, similar to the situation at the Thai-Lao Friendship Bridge where traders used the term “tax” to refer to the fee of the export declaration raised by the broker of the private shipping company.

<sup>72</sup> The Lao government had issued a ban on rice exports along its border areas in order to reduce price increases in the domestic rice market (see Vientiane Times 2012, World Bank 2013: 68).

trade, which they ostensibly considered to be both illegal and illicit.

According to my interlocutors, Lao border guards and other Lao authorities also turned a blind eye to the smuggling of motorcycles across the border in exchange for money. Some Lao motorcycle dealers were able to sell such smuggled motorcycles after “clearing” (*khlia*) this with authorities. In fact, some of my interlocutors in Lao villages had bought their motorbikes for an affordable price from a dealer who had not paid an import tax. Thai Rangers criticised Lao authorities for tolerating such trade. These findings underline the arguments I have made so far regarding the different conceptualisations of licitness among authorities on the Thai and Lao sides but also the prioritisation among Lao border officials of their own personal gain over that of the Party.

## CONCLUSION

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In this chapter I have demonstrated that the decisions of state actors along the Hueang River with regard to the facilitation and restriction of cross-border trade were based on and influenced by their social embeddedness in the local community, by their individual conceptualisations of licitness, and their social relationships with non-state actors. On the Thai side, small-scale trade was tolerated by all levels of government, which led to a de facto legality of the trade in daily necessities. Thai border guards differed in what and how much they tolerated, but their regulation of trade was not arbitrary. Certain patterns could be identified, such as the way gift-giving practices changed according to the types and amounts of goods, their licitness, and the location in which they were traded.

Bribes to state officials were generally more prevalent on the Lao side where they were an institutionalised part of the trading process at all border-crossing sites. At the Thai-Lao Friendship Bridge, bribes were often perceived as extortion while at customary border checkpoints, traders made use of them to further their own interests. On the Thai side, bribes were more exceptional and ambiguously perceived as predatory and collaborative. As I have mentioned, these differences in the behaviour of state actors on either side of the border must not only be considered at the micro-level but also in the context of state formation in Thailand with its constitutional monarchy and post-socialist Laos with its single party state.

With this in mind, taking a closer look at the differences between individual state actors, state departments, at different forms of legality, licitness, and at different types of gift-giving practices has led to an investigation into the vast grey area between (or rather strong overlap of) the state and society. This kind of approach also challenges the usefulness of the framework of informality for the study of small-scale trade as it focuses on trading practices that circumvent state regulation. In the cases presented here, the so-called state was very much involved in the regulation of small-scale trade. Not only did state actors tolerate certain kinds of trade but they also engaged with non-state actors in its regulation. This brings to light the agency of non-state actors in the regulation of trade. Those who maintained social relationships with state actors were able to engage in tributes and bribes that facilitated the cross-border trade in both licit and illicit goods. Social relationships were the basis for such negotiations between state and non-state actors. Border-crossers who could not draw on such relationships were exposed to risk and uncertainty when encountering state officials at all types of border-crossings.

While Thai and Lao governments and institutions cooperated with each other at different levels, furthermore, Thai and Lao border officials did not always do so at the micro-level. The cross-border trade in goods that were considered to be licit by the Thai paramilitary could therefore turn into an act of smuggling when entering Lao territory as in the case of eggs, and vice versa as in the case of rice. By facilitating such trade, Thai and Lao state officials essentially assisted the local traders in the subversion of each other throughout space and time. Such power plays also occurred on the Lao side itself, as lower-ranking border officials collaborated with traders in the circumvention of higher-ranking customs officials.

As I have shown, the interactions between state and non-state actors in the regulation of trade could involve acts of collaboration, circumvention, resistance, and even extortion. Focussing on collaboration alone would have limited our ability to grasp the intricacies of small-scale trade just as much as the state-resistance paradigm would. In a similar vein, depicting all gift-giving practices with state officials as acts of corruption would skew our understanding of why and how they are carried out, just as much as a mere focus on cultural norms around gift-giving would. In order to understand the complex reality of the border, we must look more closely at the interface of state and society, the legal and illegal, and the licit and illicit.

## CONCLUSIONS

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“[...] Even in the case of particular kinds of border, such as state borders, there is little that could be called inherent about their characteristics as borders” (Green 2012: 575).

### MULTIPLE BUT UNEVEN LAYERS

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This thesis set out to study the becomings of the nation-state border between Thailand and Laos in a particular locality along the Hueang River that is situated between the provinces of Sayaboury and Loei. Building on the work of scholars who have studied borders in mainland Southeast Asia, I consider cross-border flows to be part and parcel of the borderland rather than an exception or anomaly. Instead of assessing how flows perforate or resist a preconceived border, I have set out to explore how the border comes into being in the context of such everyday flows. I have paired this approach with the most contemporary theoretical literature on borders, on the basis of which I conceptualised the border as multilayered, historically contingent, and constantly in flux. This has allowed me to assume a perspective that looks beyond state-centric categories and dichotomies; one that focuses on practices of bordering at the micro-level rather than taking on preconceived ideas of how the border should or should not be. In this conclusion, I will spell out the multiple layers, historical contingency, and constant change of the border more concretely based the findings of my research.

Situated in the valley between the mountains of Loei and Sayaboury, the Hueang River was an easy choice for the demarcation of the borderline in this area. But this seemingly natural separation line did (and still does) not coincide with the livelihoods of many of those who live along it. In fact, it was because of this natural landscape that the relations between those on either side of the border became so close-knit. The Hueang River connected people rather than separating them. Its residents used it among many other things for fishing, bathing, playing, and also for access to the grand Mekong River<sup>73</sup>. As a river in the landscape the Hueang River can thus be seen as a natural border while at

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<sup>73</sup> Access to the Mekong River is also what distinguishes the inhabitants of Thali from those of Chiang Khan who had and still have much stronger connections with other places along the Mekong River such as Paklay and Vientiane.

the same time it has a history of connectivity and bringing people together. As a border the Hueang River also has a separating force as it divides the territory-based nation-states of Thailand and Laos from one another while at the same time it connects those people who take advantage of it by engaging in arbitrage. These seeming paradoxes are part of the ontology of the border not only in my research area but also elsewhere (Bruns and Miggelbrink 2014). While paradoxes exist everywhere, their specificities in each location arise out of the uneven and intersecting layers that inform that location, making each border unique in its own right.

Examining the layers of the border is different from identifying from a conceptualisation of borders as multiple. Reeves (2014) has argued for the multiplicity of borders, conceiving the line on a map as intrinsically different from that of the border guard or that of the trader. While I agree that these are different spatial entities, I do consider them to be part of the same project. With its roots in Europe, the project of the nation-state border has been transferred to other parts of the world where local conceptualisations of space and borders already existed and where it is carried out in different ways and at different times. The concept of the layered border allows us to examine how historical, social, cultural, and political factors feed into the way the border comes into being in a specific locality.

Throughout this thesis I have referred to a plethora of layers that play a role in processes of bordering along the Hueang River. I have already recounted above the different epistemologies of space that have informed the border's historical trajectory. They include the centre-periphery logic, the Westphalian logic, and the post-Westphalian logic, each of which can be seen as a separate layer that feeds into the becomings of the border. These layers are based on a state-centric perspective, which we must take into account when examining the border. It was the ideological and security aspects of the Westphalian logic after all, which led to the restriction of movement and which still have very real effects for people on the ground. But I have also uncovered a range of non-state-centric layers such that of the social embeddedness of state actors, blurring the lines between state and society. Another one is that of cultural norms such as gift giving and the expression of *graengjai* – the expectation to be humble towards those of a higher status. My interlocutors justified their gift-giving practices with state officials by referring to *graengjai*, thereby embedding culturally the practices that might otherwise be considered in the context of corruption and as unlawful.

In fact, the law was also an important layer of the border in my research area. Border policies around small-scale trade pushed many trading activities into legality. However, on the Thai side, a legal flexibility was practiced that brought other layers such as that of licitness to the fore and was intertwined with them. I have juxtaposed the layer of the law with that of alternative geographies of knowing based on social networks. Malee, a Lao middlewoman who was denied access to Thai territory at the Thai-Lao Friendship Bridge, was able to draw on her social networks and knowledge of the area in order to cross the river elsewhere, thereby circumventing those who enact the law and gaining access to Thai territory. In other cases, the layer of the law and its manifestation in citizenship documents was trumped by social relationships and familiarity.

At customary border checkpoints, Thai Rangers often tolerated the cross-border movement of people without documents because they knew them or maintained social relationships with them, e.g. local traders. As mentioned previously, Thai Rangers claimed to be quite familiar with the regular border-crossers at the various border-crossing sites after having served at a duty station for only a few months. The Thai Rangers' decision-making process was thus not only based on the law but also on social and cultural factors, which facilitated the cross-border movement of undocumented migrants but also had a restricting effect on those border-crossers who did not perform according to what border officials considered to be the norm.

The layer of cultural norms as manifested in border performances, gift-giving, and *graengjai* was strongly intertwined with the layer of (albeit changing) social hierarchies. Where the social hierarchy between state and non-state actors was based on power and authority, the social hierarchy between traders on the Thai and Lao sides was (in part) based on the economic and political asymmetry between Thailand and Laos. Thai shop owners at the customary border checkpoints thus referred to their relationship with Lao customers as *phinong*, which reflects power relations at the governmental level. This underscores Pholsena's work summary of the relationship between residents on either side of the Thai-Lao border when stating: "Thailand's cultural and economic ascendancy over Laos generates ambiguous and deviating effects, oscillating between attraction and repulsion" (2006: 53).

This leads me to reiterate that nation-state borders only attain meaning through the social practices of state and non-state actors, which always entail power struggles,

contestations, social hierarchies, cultural norms, and a historical context, all of which inform how the border comes into being throughout space and time. With regard to non-state actors, I have shown how non-state actors contributed to the becomings of the border in different ways that are not immediately visible to a stranger's eye including their participation in the regulation of trade. I suggest that if we come to understand that regulation is not only the prerogative of the state then the porousness or permeability of the border cannot equate to non-regulation, disorder and chaos. As we have seen, in real terms the border has been proliferated rather than weakened along the Hueang River.

## VICISSITUDES AND CONTINUITIES

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A look at the historical context of the border in my research area reveals changes and continuities, which inform the way it comes into being today. My research area has seen the implementation of different border logics, which did not simply replace one another over time but have rather accumulated and still overlap in certain ways, resulting in regularities as well as contestations and paradoxes. I have discussed the centre-periphery logic, which characterised the *mueang* kingdoms of 19<sup>th</sup> century Southeast Asia. In such kingdoms, the ruler was based at the centre and had diminishing power towards the periphery. Power was not based on territorial claims but on the governing of the subject population situated around the centre. Throughout the waxing and waning of such contest states, territorial borders existed albeit at the local level. With the encroachment of the French and British, the centre-periphery logic was gradually replaced by territory-based nation-states.

In 1893 the Thai-Lao border was mapped along the Mekong River (with the full demarcation yet to be completed today) and with Sayaboury as part of Siam. This changed three times over the following decades. Sayaboury was handed to the French in 1904, back to Thailand in 1940, and again to France in 1946. The Hueang River thus switched back and forth between embodying a provincial and international border. The line it represented did not have an effect on the livelihoods of the border population until 1975 though. Due to its mere existence on maps rather than on the ground, the border between Loei and Sayaboury became a popular route for Lao refugees and anti-government insurgents before the communist takeover in 1975. At the time of the regime change in Laos, most border residents along the Hueang River engaged in cross-border activities and the adjacent Thai and Lao villages were perceived and lived as



single rather than divided units. While the Thai nation-state had assumed a Westphalian logic, the nature and functions of the Thai-Lao border along the Hueang River continued to operate more according to a centre-periphery logic.

This changed abruptly in 1975 when Thailand placed an economic embargo against Laos and restricted cross-border trade. With an emphasis on the ideological boundary between the Thai and Lao governments and securitisation pushed forward due to border disputes erupting in the 1980s the Westphalian logic had gained momentum. Many border residents discontinued their cross-border activities including trading practices although several traders seized the opportunity to continue trading daily necessities across the river more or less clandestinely for a large profit. According to my interlocutors, Thai officials were stricter in their enforcement and punitive measures (although this varied from one guard to another) than Lao officials, with the latter often on the receiving end of the trade in daily necessities.

As the Thai and Lao governments began to cooperate with each other in the 1980s, withdrawing their troops from the border, local checkpoints were established for the benefit of the border population. The paramilitary and volunteer border guards remained stationed along the border in addition to immigration and customs officials. The small-scale cross-border trade of daily necessities flourished during this time (as did the large-scale agricultural trade, the illegal timber and drug trade), which was beneficial particularly for the population on the Thai side who opened specialised border markets and shops for customers from Laos. The function of the border thus became less focused on security and more on economic cooperation. This focus on economic cooperation led to the opening of the Thai-Lao Friendship Bridge across the Hueang River in 2004, symbolising a post-Westphalian border logic (see also Green 2012) that emphasises and facilitates transnational flows. The Bridge allowed Lao labour migrants, traders, and villagers to enter Thailand by public transport and their own private vehicles., which increased exports to Thailand and imports from Laos.

During the time of my research, it became clear how the post-Westphalian logic overlapped with bordering practices based on other logics. Upon the opening of the Thai-Lao Friendship Bridge, for example, several local border checkpoints were closed and border residents have been discouraged from using checkpoints and unmarked border-crossing sites for travel and trade, which is very much in line with a Westphalian

logic. Traces of the centre-periphery logic can also be found in the fact that the Thai paramilitary has been given the decision-making power over the regulation of small-scale cross-border in places outside the Bridge, which resembles the *kin mueang* style of governing in the *mueang* states. Local border traders also refer nostalgically to the time “when there was no border” before 1975, thereby drawing on the centre-periphery logic to justify their continued trading practices. The historical trajectory of the Thai-Lao border along the Hueang River has thus resulted in a border that combines different epistemologies of space, including the centre-periphery, Westphalian, and post-Westphalian logics. The historical context further reveals that restrictions on movements across the Hueang River have been the exception rather than the norm.

Despite the political, regional, and economic changes as well as the proliferation of borders throughout time and space, trade across the Hueang River has continued, although the involvement of different actors has changed. In the aftermath of the Bridge, many traders on the Thai side had to close their shops and resort to other sources of income. At the same time, new forms of Lao traders (i.e. middlewomen) emerged, making use of the new policy and infrastructural changes in their own right. Although the newest border policies aimed at increasing opportunities for trade and tourism, they have an inherently regulative character, facilitating some processes, and restricting others (Walker 1999). In contrast to the period after 1975, Lao border officials were perceived, during my research, to be stricter than Thai guards with regard to the enforcement of the border and the regulation of immigration and trade but also as more corrupt.

Differences between the Thai and the Lao side became more pronounced after 1975, not only in terms of the ideology of the respective central governments and their attitude towards the nation-state border but also in terms of the different national identities that were promoted on either side of the border. By the time of my research, the vast majority of inhabitants along the Hueang River in Thali and Ken Thao districts identified with either the Thai or Lao ethnic majority in the respective nation-states. There was a social hierarchy between Thainess and Laoness, however, which became most apparent in the mocking of Laoness among Thai border residents. As the number of Thai border residents crossing the border to Laos decreased, so did their connections and identification with people across the river. Among my interlocutors on the Thai side, it was those actors who maintained strong cross-border relationships and travelled

across the river regularly themselves who emphasised the existence of a cross-border culture. While over the centuries, the sense of belonging of border residents changed, a cross-border culture still continued to exist.

Although the cross-border culture in my research area must itself be seen as in a constant state of flux, it was characterised by a specific local dialect that most border residents shared. This included the local state officials who were embedded in the local community and culture. I have demonstrated how this embeddedness affected the way they governed the border outside the Thai-Lao Friendship Bridge. Border officials tolerated the flow of certain goods and people across customary border checkpoints and unmarked border-crossing sites. Which and how many goods were tolerated depended to a large extent on their own conceptualisations of licitness as well as on their social relationships and gift-giving practices that included both goods and money. The act of giving gifts to authorities can be seen as an affirmation of their authority – a practice that can be traced back to the *kin mueang* system of the premodern Southeast Asian states. This is not to suggest, however, that the border guards in my research area governed in a premodern way but rather that their way of governing was informed by historical practices that have been adapted over time and are now applied at the local level of the nation-state where the state meets society.

In order to capture this blurry interface of the state and society I have drawn on the anthropological literature that focuses on the everyday practices of the state in the enactment of authority and *de facto* sovereignty. In this respect, I have followed Weber and Biersteker who have argued that sovereignty is a social construction so as to bring attention to: “the ways that the practices of the state and non-state agents produce, reform and redefine sovereignty. [...] Rather than proceeding from the assumption that all states are sovereign, we are interested in considering the variety of ways in which states are constantly negotiating their sovereignty” (Biersteker und Weber 1996: 11). In highlighting how authority and sovereignty are played out in the borderland, my findings contribute to the literature on the state in Southeast Asia. Thai Rangers not only exerted power by drawing symbolically on their uniforms and practically on their weapons. In order to fulfil their duties and responsibilities they also used their social embeddedness.

I have argued that by engaging with the local community inside and outside working hours and in both uniform and civilian clothes, as well as by establishing trust through the toleration of cross-border movement, Thai Rangers were able to gather more intelligence about activities along the border than if they remained estranged technocrats. Non-state actors who were involved in trade benefited from this kind of cooperative regulation with Thai Rangers. By engaging in social relationships and gift-giving practices with state officials, local non-state actors had a say in the regulation of trade themselves. Traders and border-crossers who had not established such relationships, however, were subject to the sometimes coercive decisions of border guards as in the case of the two Lao women from a border village further away who were arrested for crossing the Hueang River without documents.

In the midst of changing border regulations and increased cross-border movement in my research area there has thus been a continuity of flexible state practices that is embedded in the history and culture of the borderland and which provides a sense of regularity and security to the local border population. Attending to the vicissitudes and continuities of the border helps gain a better understanding of the multiple layers that “make” the border what it is today. Just as Bierschenk and de Sardan (2014) have suggested analysing modern state bureaucracies as “transversal objects” (2014: 21) that have been transferred in the context of European colonialism, so should nation-state borders be considered in the way they attain meaning in different locations (see also Agnew 2007). When we move away from comparing nation-state borders around the world to an ideal-type that does not exist, we will not only come to appreciate their diversity more but also gain a better understanding of the different becomings of borders and the struggles along and across them as they arise in different parts of the world.

## **DREAMING AND WORRYING ABOUT THE FUTURE**

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During my fieldwork some of my interlocutors also spoke about their hopes and dreams as well as of their worries about the future. Mu, the border market trader from Ban Plee, was tired of travelling from one border market to another even though her business was the main income of her family that included three generations. She was hoping to open a permanent market stall at the Thai-Lao Friendship Bridge as she had heard rumours about a permanent border market being established there that would be similar to the Indochina Border Market in Mukdahan (Nakhon Phanom province). Many of the border

market traders selling goods at the weekly border market along the Thai-Lao Friendship Bridge were anxious about the future of the market as the administrative buildings around the Bridge were due to expand. They feared that the market would be forcibly closed, which would greatly affect their livelihoods.

Some of my other interlocutors mentioned their hopes and dreams about the upcoming ASEAN Economic Community (AEC). This vision of an integrated community throughout Southeast Asia was set up by the Association of Southeast Asian Nations (ASEAN) and was widely advertised within the schools in my research area. Students were encouraged to learn the official languages of the other member countries within ASEAN and to embrace the diversity in people, cultures, and languages that was announced to come their way. What exactly this meant for the border, however, was unclear. Several of my interlocutors spoke of the “open border” that would come with the AEC and expressed excitement about this. Another interlocutor asked me for advice on how to best take advantage of the influx in tourists and business people that she imagined would occur in 2015. According to ASEAN the AEC will integrate Southeast Asia’s economies by establishing a space with the following characteristics: (a) a single market and production base, (b) a highly competitive economic region, (c) a region of equitable economic development, and (d) a region fully integrated into the global economy (ASEAN 2015). The AEC was scheduled to become a reality from early 2015 but the deadline was rescheduled to December 2015. According to the most recent reports, the new deadline is attainable (Kynge 2015).

Despite the postponement of the AEC to December 2015, much has changed along the Hueang River since I ended my fieldwork in 2012. In April 2014 my good friend and occasional translator from Thali came to visit me in the UK. She reported that the new administrative buildings at the Thai-Lao Friendship had been completed some months ago. The border market next to the Bridge had been relocated to the other side of Ban Plee village. It was now situated along the road that led from Ban Plee to the neighbouring village. I assume that the Lao customers and traders arriving at the customary border checkpoint in Ban Plee now take a local *samlo* (three-wheeler) or walk to the Bridge. Those customers crossing over the Bridge will have to do the same if they want to reach the market. I suppose this will have led to a strong decrease in sales at the border market.

In addition to this information, my friend also reported that a wall had been erected, separating the village of Ban Plee from the new administrative buildings at the Bridge. However, instead of cutting the village off on one side, a new road was built that turns off the main road to the Bridge and which leads to the village instead. This way, the side of the village that ends at the Bridge is still accessible but the administrative buildings and the Bridge itself cannot be accessed via the village. When asking my friend about the apprehension that existed among villagers with regard to these constructions during my research, she emphasised: “Yes, they were apprehensive before, but now everyone is ok with this solution. They are fine now.” My friend also mentioned that the land prices along the Bridge have now gone up to 2,000,000 baht per rai of land (1 rai = 1.6km<sup>2</sup>). Considering these major changes I strongly suggest for further research to be conducted along this part of the border in the near future.

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